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Marquess of Ailsa.

THOMAS WILDE.

WITHDRAWN
FROM STOCK

THE

PARLIAMENTARY OR CONSTITUTIONAL History of England;

BEING A

FAITHFUL ACCOUNT

Of all the

Moſt remarkable TRANSACTIONS

In PARLIAMENT,

From the earlieſt TIMES,

TO THE

Reſtoration of King CHARLES II.

COLLECTED

From the RECORDS, the JOURNALS of both HOUSES, original MANUSCRIPTS, ſcarce SPEECHES, and TRACTS; all compared with the ſeveral Contemporary Writers, and connected, throughout, with the Hiſtory of the Times.

By SEVERAL HANDS.

——*Juvat integros accedere Fontes.*

VOL. X.

From the Meeting of the Parliament after the Receſs, *October* 20, 1641, to *May* 19, 1642.

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THE

Parliamentary Hiſtory

OF

ENGLAND.

ON the 20th of *October* both Houſes of Parliament met again at *Weſtminſter*, according to Adjournment; when Mr. *Pymme*, one of the Committee of the Commons, appointed to ſit during the Receſs, made a Report to that Houſe of what had happened in that Interval, as follows[a]:

An. 17. Car. I. 1641. October.

The Parliament meet after their Adjournment.

Mr. *Pymme*'s Report of what had been done by the Committee during the Receſs.

'The firſt Thing we had in Charge was concerning the Declaration of the Houſe relating to Innovations: The Committee have ſent divers of them into the Country, and have found that, in ſome Places where there were good Miniſters, they were entertained, and in ſome other Places they were neglected; but, for the moſt Part, it is by thoſe that have been queſtioned here for other Matters. The Committee took into Conſideration the In-

[a] This Report is very imperfectly given in *Ruſhworth*'s *Collections*; but it ſtands thus in the *Journals*.

An. 17. Car. I. 1641. October. Intention of the Houſe, concerning the publiſhing of this Declaration; therefore they gave Directions to require the publiſhing thereof in Churches, and that the Churchwardens might ſee the Execution thereof. Some Particulars concerning this will come in a ſpecial Report, which I ſhall now only touch upon in the general, in regard of the great Importance of the Buſineſs firſt to be conſidered of this Day, touching the Troubles in *Scotland*, of which I ſhall give you an Account.

'The next Thing the Committee did take into Conſideration, was the Correſpondency with the Committee in *Scotland*, in receiving Letters from them, and ſending Anſwers unto them. I ſhall not need to produce their ſeveral Letters now, it will take up too much Time; but the chief Point was touching the Diſbanding of the Army, and the two Garriſons of *Berwick* and *Carliſle*. For *Carliſle*; it is totally diſbanded, and the Soldiers ſent into *Ireland*, to be placed there, as they were before in the King's Army; for we did conceive it fitter thoſe new Men, now in the King's Army there, ſhould be diſmiſſed; and thoſe that were formerly taken from thence ſhould be entertained again, for we hear a good Report of their Carriage at *Carliſle*. As for the Garriſon at *Berwick*; that requir'd longer Time of Conſideration at the Committee; for beſides the demoliſhing of the Works, (which was much preſſed by the *Scots*, and ſeconded by a Letter from his Majeſty out of *Scotland*) there was a Want of Money; yet the Committee got ſufficient to diſband all, and ſent it down: And becauſe the *Scots* Commiſſioners deſired to know a certain Day of our Diſbanding, and then they would, upon Knowledge of that, diſband their Forces; thereupon the Committee ſet down the 15th of *October* to be the laſt Day of Diſbanding. And the Letter Yeſterday received from Sir *Michael Ernley* ſheweth, that he hath Money enough to diſband all; and the Horſe are diſbanded, and five Companies of Foot: And that on *Friday* laſt the other Companies of Foot remaining had been diſbanded, but a Letter came from

Sir

Sir *Henry Vane*, in his Majesty's Name, requiring to stay the Disbanding of the rest till further Order, of which you shall hear more particularly when I come to that Part of my Report. An. 17. Car. I. 1641. October.

'For the Arms and Ammunition at *Carlisle*; the Committee gave Order for the Lifting and Safe-laying of them up, to be well kept till the next Spring, when it will be more seasonable to send for them away, they being now five or six Miles from the Sea-Side, which would have taken now too much Time to have shipp'd them: And Sir *George Dalston* and others, Members of the House, are desired to take Care of the safe keeping of them in the mean Time.

'For the Ammunition at *Berwick*; the Committee have sent six Ships to transport the same to the *Tower*, and agreed with them for a certain Sum for the doing thereof within such a Time; and, if they staid longer, to have so much *per Diem* for Demurrage.

'The next Thing we took into Consideration at the Committee, was concerning Tumults; tho' we cannot say there were any great Tumults, yet there were Seeds sown which might have occasioned some in the Execution of the Order of the House touching Innovations: But I shall make a particular Report of those Parishes where they were at Blows, and likely to come to Blows, if the Committee had not fought the Prevention of it; which was the Ground why the Committee entertained their Petition.

'There was another like Trouble and Sign of Tumult, by the frequent Resort of Troopers to Town, and to the Committee; who deliver'd thirty several Petitions to the Committee, in their own Names, and the Names of other discontented Persons in the Army. We could not refuse to accept their Petitions, lest they should grow to Tumults; and of their Complaints, and the Nature of them, I shall give a particular Report; but the Committee did vote nothing concerning them. It will be very fit to resolve something concerning them, that

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they may depart the Town; for, under the Name of Soldiers, many Robberies are done; which occasioned the Committee to give Order that all of them, that desire to have Passes to go beyond Sea, might have the same: But that would not serve their Turn, unless they might have Liberty to receive Pay here, to go in Companies, under Conduct, to the Service of foreign Princes; which the Committee could not give Way unto, in regard of the Ordinance of both Houses to the contrary.

'There is another Head the Committee had in Charge, concerning the King's Revenue: All we could do in that (which I did by the Direction of the Committee) was to take Care for a Balance touching the same; and accordingly I spoke with the King's Officers about it, and a Balance will be ready when you please to call for it.

'Next was concerning the Exchange beyond Sea: I think for that there will be a good Return made for the Benefit of the Commonwealth.

'Another Thing was concerning the *Irish* Petitions; but the Gentleman that used to be in the Chair for *Irish* Affairs (Mr. *Whistler*) was out of Town, and had most of their Petitions with him, so we could do nothing; only one Mr. *Cope* and Mr. *Lomax*, who had long attended, had their Case made known to the Committee; the one desiring to have two Witnesses examined, upon a Petition here depending, who are ready to go to Sea; and the other, Mr. *Cope*, of *English* Parents and great Family, is a Petitioner for the Recovery of an Estate of a great Value, which he conceives hath been long kept from him wrongfully; and desires that a Committee may but consider of the Depositions already taken touching the same, in several Courts of Record, whether there be not just Cause for him to have Relief, and Matter of Ground to proceed on his Petition; and, if not, he will desist in petitioning the House.

'The next Thing in Charge was concerning Delinquents: In that we made but a small Progress; for we had a Desire to have perfected the Charge against

againſt my Lord Archbiſhop of *Canterbury*; but in regard thoſe of the Long Robe of the Committee were for the moſt Part abſent, we could not proceed therein. An. 17. Car. I. 1641. October.

'Next there came to me, to my Lodgings at *Chelſea*, Sir *John Berkeley* and Serjeant-Major *O'Neal*; who ſaid they heard they were accuſed, and had raſhly withdrawn themſelves; but, upon better Conſideration, they were returned to ſubmit to the Pleaſure of the Houſe. I thought it my Duty to make ſome Privy-Counſellor acquainted therewith; whereupon I went to my Lord *Wilmot* with them, who undertook they ſhould attend the Committee the next Sitting; which they did accordingly: And, in purſuance of the Order and Warrant of the Houſe for the apprehending of them, they were both attach'd by the Serjeant's Deputy: So the Houſe may be pleaſed to ſend for them, and to do therein as they ſee Cauſe.

'For the Letters laſt received out of *Scotland* from the Committee; they ſpeak of ſomething intended to be done there upon the Perſons of divers Lords of *Scotland*: And, in regard ſome of the Parties, ſuſpected to have a Hand in that Deſign, are ſuſpected to be Papiſts, the Committee did conceive they might have Correſpondency with the like Party here; and therefore commanded me, Yeſterday, to write to my Lord Mayor of *London*, to place convenient Guards in ſeveral Places of the City, till he received further Directions from the Parliament; and likewiſe to the Juſtices of Peace for *Middleſex*, *Weſtminſter*, and *Southwark*; and to obſerve ſuch further Direction as they ſhould receive from the Earl of *Eſſex*, who, in his Majeſty's Abſence, is appointed General on this Side *Trent*.

'I forgot to report one Thing, That, upon *Tueſday* was Sevennight, the Committee here agreed, and ſo ordered, That the Committee in *Scotland* ſhould, unleſs they ſee Cauſe to the contrary, return home; and, leſt our Letters might miſcarry, commanded me to ſend an expreſs Meſſenger to

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them, and I did so; and wrote also, by the weekly Post, of our Order, as also of the Lords Order, for their Commissioners to come home. The Party I sent, who was commended to me for a very honest Man, should have been there on the *Monday* following, which he easily might have done, if he had been well; but on *Friday* last he was not come to *Edinburgh*, neither could he be heard of in all the Road; so that we may justly fear some Misfortune is befallen him; that he is knocked on the Head, and his Letters taken from him.'

A Conference with the Lords thereupon.

Upon this Report it was *resolved*, upon the Question, 'That a Conference be desired with the Lords, concerning the Security of the Kingdom and Parliament.'

Resolved also, 'That Sir *John Berkeley* be sent Prisoner to the *Tower*, and *Daniel O'Neal* to the *Gatehouse*.'

The same Day Mr. *Pymme* reported the Heads for the said Conference, as follows:

'That the Committee, in the *first* Place, do conceive, that the Letter from the Committee be read (dated the 14th of *October*) at the Conference: And that this House hath taken into Consideration,

1. 'That when there was a Design, somewhat of the same Nature, in this Kingdom, to seduce the King's Army to interrupt the Parliament here, there was the like Design at that Time in *Scotland*.

2. 'The principal Party named in that Design in *Scotland*, is a Person suspected to be Popishly affected; and therefore may have Correspondency with the like Party here.

3. 'That it hath been published here lately, that some Things were to be done there, in *Scotland*, before it broke out there; therefore we may suspect some Correspondency here:

'So, upon these Grounds, to propound, 1. That a strong Guard be kept in the City of *Westminster* and *London*. 2. That Care be taken for the future for the Defence of the whole Kingdom: But this in general.

'Next,

'Next, that these two Gentlemen, Sir *John* *Berkeley* and Serjeant-Major *O'Neal*, did come in during the Recess; and that the one is committed to the *Tower*, and the other to the *Gatehouse*: And therefore to desire their Lordships that they may be examined, according to the former Manner for the Examination of the other Parties accused for the same Crime, by the Committee of Lords appointed for that Purpose. An. 17. Car. I. 1641. October.

'Next, to let them know the Garrison of *Carlisle* is totally disbanded; and that, of the Garrison of *Berwick*, there remaineth only five Companies of Foot, all the Horse being disbanded: And to acquaint them with his Majesty's Direction, sent by Secretary *Vane*, for the Stay of those Soldiers: And that the Money design'd for that Service, to disband that Garrison, was proportioned only untill the 15th of *October*: That the Commonwealth should be at no further Charge concerning the same, either for the Men or Shipping that are to stay there still; Order being taken, and Money sent down, for their disbanding the 15th of *October*, according to the Treaty.

October 21. The Commons *resolved*, 'That another Head of the foregoing Conference should be, To move that an express Messenger be sent to the Committees of both Houses in *Scotland*, to let them know, that the Parliament takes well their Advertisement; and that they conceive the Peace of that Kingdom concerns the Good of this Kingdom; and that, if there be any Tumult to oppose the Acts confirm'd by both Kingdoms, and his Majesty will command any Assistance to suppress them, both Houses will be ready to maintain his Majesty in his Greatness, and to suppress those that are Disturbers of the Peace.'

The Heads thus prepared for a Conference, were afterwards communicated to the Lords, who were very sensible of the Matters to them reported; and, speedily taking the same into Consideration, agreed to all the Proposals made by the House of Commons.

The

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The Lords and Commons having agreed to write a Letter to their Committees in *Scotland*, as alſo to ſend Inſtructions how they were to act there on this new Affair, they were both read this Day and approved of by the Houſes [b].

A Complaint was made to the Houſe of Commons by the Troopers of the *Engliſh* Army, againſt Sir *John Conyers*, their General, for reducing ſome of their Pay at the diſbanding of the Army; which was referred to a Committee.

The Commons deſire the Lords to haſten the Proceedings againſt the impeached Biſhops.

October 22. This Day the Commons ſent up Mr. *Holles* to the Lords, to put them in mind of their Complaint exhibited againſt the thirteen Biſhops, who made the laſt new Canons, and to pray a ſpeedy Proceeding therein. The Lords returned Anſwer, 'That they had appointed the 10th of *November* next for a peremptory Day to them, and that they then do intend to proceed with all Expedition.'

A Bill to diſable the Clergy from exerciſing any Temporal Juriſdiction.

October 23. A Bill *For diſabling all Perſons in Holy Orders to exerciſe any Temporal Juriſdiction or Authority*, was paſſed and ſent up to the Lords by Sir *Gilbert Gerrard*, with a Deſire that it might be proceeded in with all Expedition. The following is a Copy of this extraordinary Bill [c]:

'WHereas Biſhops, and other Perſons in Holy Orders, ought not to be intangled with 'Secular Juriſdiction, the Office of the Miniſtry 'being of ſuch great Importance that it will take 'up the whole Man: And for that it is found, by 'long Experience, that their Intermeddling with 'Secular Juriſdiction hath occaſioned great Miſchief 'and Scandal both to Church and State; his Ma'jeſty, out of his religious Care of the Church, and 'the Souls of his People, is graciouſly pleaſed, that 'it may be Enacted, and, by the Authority of theſe 'Pre-

[b] The Letter and Inſtructions are at large in *Ruſhworth*, Vol. IV. p. 391.

[c] *London*, printed for *John Thomas*, 1641.

'Preſents, be it Enacted, That no Archbiſhops or 'Biſhops, or any other Perſon that now is, or hereafter ſhall be, in Holy Orders, ſhall, at any Time after the 10th Day of *November*, in the Year of our Lord God 1641, have any Suffrage or Vote, or uſe or execute any Power or Authority, in the Parliament of this Realm; nor ſhall be of the Privy Council of his Majeſty, his Heirs or Succeſſors; or Juſtices of the Peace of Oyer and Terminer, or Goal Delivery; or execute any Temporal Authority, by Virtue of any Commiſſion; but ſhall be wholly diſabled and be uncapable to have, receive, uſe, or execute any of the ſaid Offices, Places, Powers, Authorities, and Things aforeſaid. An. 17. Car. I. 1641. October.

'And be it further Enacted, by the Authority aforeſaid, That, from and after the ſaid 10th Day of *November*, all Acts which ſhall be done by any Archbiſhops or Biſhops, or other Perſons whatſoever in Holy Orders, and all and every Suffrage or Vote given or delivered by them, or any other Thing done by them, or any of them, contrary to the Purport and true Meaning of this preſent Act, ſhall be utterly void to all Intents, Conſtructions, and Purpoſes.'

This Day both Houſes adjourned, to go into a Committee to hear a Relation to be made by the Earl of *Holland*, Lord-General, touching the Diſbanding of the late Army in the *North*.

Great Mutinies and Diſorders were now on foot by the diſbanded Soldiers, who came in Companies to the Parliament Houſe, and demanded their Pay. The Train'd Bands of *Weſtminſter* attended all Day in Arms, in the *Palace-Yard*, till both Houſes roſe. Afterwards they received Directions from the Earl of *Eſſex*, Lord-General in the King's Abſence, to divide their Company in two Parts, that one hundred might attend for the Day, and be relieved by the like Number at Night. Many Orders are in the *Journals* of both Houſes about quieting the diſbanded Tumults and Diſorders.

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banded Troops; but nothing of Moment further done in either of them till

October 26. When the Lord Keeper signified to the Lords, that he had received a Letter from his Majesty, written all with his own Hand, which he read *in hæc Verba:*

The King's Letter to the Parliament, from *Edinburgh.*

My Lord Keeper,

SInce that, by the Necessity of my Affairs, I am detained here so long, that I cannot be down at the Sitting of the Parliament; I have thought fit, by these Lines, to direct you to let both Houses know, in my Name, That as this my long Absence is beyond my Expectation, so it is against my Desire; and that I will make all the Diligence that the Weightiness of these Affairs will possibly permit to return; and so I rest

Your assured Friend,

Edinburgh, Oct. 20. 1641. CHARLES *R.*

Proceedings against Judge *Berkeley.*

This Day Sir *Robert Berkeley*, Knight, one of the Judges of the *King's Bench*, was brought to the Bar of the House of Lords as a Delinquent [d]; when the Lord Keeper told him, 'That he was now to hear the Charge of High Treason, brought up against him by the House of Commons, read; and that the Lords expected his Answer thereunto.' Which being read, he gave their Lordships humble Thanks for their Justice in calling him to make his Answer; and acknowledged the Justice of the House of Commons, that they had desired he might make his Answer to their Charge, and be proceeded against according to Law. Withall, he made it his humble Request to their Lordships, that they would permit him a little Time now, to speak somewhat to the Particulars of the Charge; and, having obtained Leave of the House so to do, he made a long Speech on the particular Articles of his Impeachment; and con-

[d] *Rushworth* has omitted these Proceedings against Judge *Berkeley.*

concluded, That he was not guilty in Manner or Form as was laid againſt him in the ſaid Impeachment. He then preſented to the Houſe a Petition, humbly deſiring their Lordſhips to take the Particulars into Conſideration. An. 17. Car. I. 1641. October.

To the Right Honourable the LORDS aſſembled in Parliament,

The HUMBLE PETITION of Sir ROBERT BERKELEY, Knt. one of the Judges of his Majeſty's Court of *King's-Bench*.

His Petition as to Witneſſes, Counſel, &c.

YOUR Lordſhips having, as your Petitioner conceiveth, appointed the 2d *of* November *next for his Trial, he moſt humbly prayeth, That your Lordſhips would be pleaſed to grant unto him your Lordſhips preſent Warrant for ſuch Witneſſes as he ſhall have Cauſe to uſe at his Trial.*

That your Lordſhips would be pleaſed to admit, and, if Need be, to aſſign him Counſel for his neceſſary Defence in point of Law, which may happen upon the Matter of High Treaſon, of which he is impeached; and, in point of Law and Facts upon the Matters and Miſdemeanors, of which he is alſo impeached.

That for the few Days, till the Time of his Trial, he may remain in Cuſtody of the Sheriff of London, *where he hath been a true Priſoner near three Quarters of a Year; in whoſe Houſe all his Collections and Papers are for his Defence: And that he may have your Lordſhips Licence to go, with a Keeper, to* Serjeants-Inn, *to look out ſome Papers which he hath there, and ſhall have Occaſion to produce at his Trial; as alſo there to confer or adviſe with ſuch Counſel as your Lordſhips ſhall think fit to admit or aſſign unto him.*

And your Petitioner, according to his bounden Duty, ſhall always pray for the Continuance of your Lordſhips Honour and Happineſs.

ROBERT BERKELEY.

Here-

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Hereunto were added the Names of eight Lawyers to be aſſigned as Counſel to the Petitioner; but before the Lords gave any Anſwer to it, it was firſt carried, That the Biſhops ſhould not be preſent in the Debate on the Matter of High Treaſon, in this Cauſe, but for Miſdemeanor only they were to be admitted. After which every Article that the Judge had petitioned for was granted him; and a Meſſage agreed upon to be ſent down to the Commons, That he had pleaded *Not Guilty* to their Impeachment.

His Trial put off.

Two Days after this Trial was, at the Inſtance of the Houſe of Commons, for want of Witneſſes, put off by the Lords *ſine Die* [e].

A Conference concerning the thirteen Biſhops, and a Bill for taking away the Votes of their whole Order.

This Day alſo it was reſolved by the Commons to have a Conference with the Lords concerning the ſequeſtering the thirteen Biſhops, accuſed by them, from their Votes in Parliament. Likewiſe to deſire their Lordſhips to ſequeſter the reſt of the Biſhops from their Votes, upon the particular Bill ſent from that Houſe, for the taking away of all their Votes in Parliament. A ſelect Committee was named and ordered to prepare Heads for this Conference.

October 27. The Lord Privy-Seal reported the Conference Yeſterday with the Houſe of Commons, concerning Biſhops, as follows:

Mr. *Pymme*'s Speech on that Occaſion.

'Mr. *Pymme* declared from the Houſe of Commons, That there is nothing of greater Importance to the Safety and Good of the Kingdom, than that this High Court of Parliament, which is the Fountain of Juſtice and Government, ſhould be kept pure and uncorrupted, free from Partiality and Bye-reſpects: This will not only add Luſtre and Reputation

[e] *Whitlocke* ſays, 'That Sir *Robert Berkeley* was a very learned Man in our Laws, a good Orator and Judge, and moderate in his Ways, except his Deſires of the Court-favour: That he redeemed himſelf, afterwards, by ſupplying the Parliament's Occaſions with 10,000*l.* and ended his Days in a private Retirement; yet not without conſiderable Gains by his Chamber Practice, and left a plentiful Fortune to his Family.'

Memorials, p. 39.

tation, but Strength and Authority to all our Actions. Herein, he ſaid, your Lordſhips are ſpecially intereſted, as you are a Third Eſtate by Inheritance and Birth-right; ſo the Commons are publickly intereſted by Repreſentation of the whole Body of the Commons of this Kingdom, whoſe Lives, Fortunes, and Liberties are depoſited under the Cuſtody and Truſt of the Parliament. An. 17. Car. I. 1641. October.

'He ſaid, The Commons have commanded him and his Colleague, Mr. Sollicitor-General, to preſent to your Lordſhips two Propoſitions, which they thought very neceſſary to be obſerved and put in Execution at this Time.

Firſt, 'That the thirteen Biſhops, which ſtand accuſed before your Lordſhips for making the late pretended Canons and Conſtitutions, may be excluded from their Votes in Parliament.

Secondly, 'That all the Biſhops may be ſuſpended from their Votes upon that Bill, intitled *An Act to diſable all Perſons in Holy Orders to exerciſe any Juriſdiction or Authority Temporal.*

'The firſt of theſe was committed to his Charge, and he ſaid he was commanded to ſupport it with three Reaſons.

1ſt. 'That the thirteen Biſhops have broken that Truſt to which every Member of Parliament is obliged; which Truſt is to maintain,

1. 'The Prerogative of the King.
2. 'The Privilege of Parliaments.
3. 'The Property of the Subject.
4. 'The Peace of the Kingdom.

'And this Truſt they had broken, not by one tranſient Act, but by ſetting up Canons in Nature of Laws, to bind the Kingdom for ever.

'That the Canons are of this Nature, appear'd by the Votes of both Houſes; and that they were all Parties to the making thereof, appear'd by the Acts of that Synod. The Book itſelf the Commons cannot tender to your Lordſhips, becauſe they ſent for it, but he that hath the Book in Cuſtody was out of Town; but a Member of their own Houſe, upon View of it, is ready to depoſe,

That

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That their Names were entered among those that did subscribe to it.

'Wherefore the House of Commons desire your Lordships, in the *first* Place, to consider, Whether they that take to themselves a Legislative Power, destructive to Parliaments, be fit to exercise that Power of making Laws, which only belongs to the Parliament.

2*dly*, 'Whether it be safe for the Commonwealth, that they should be trusted with making Laws, who, as much as in them lay, have endeavoured to deprive the Subject of those good Laws which are already made.

'A *third* Reason is this, That they stand accused of Crimes very heinous; that is, of Sedition, and of Subversion of the Laws of the Kingdom. This will easily appear in the Nature of the Canons themselves, as also by the Votes to which your Lordships and the Commons have already agreed.

Here the Votes of both Houses were read by Mr. Goodwin.

'For the *second* Proposition, he said, That should be handled by one that will do it with more Advantage of Reason and Learning than he could do, therefore he would leave it to him.'

Mr. *St. John's* on the same Subject.

'Then Mr. Sollicitor-General informed their Lordships, That the excluding of the Bishops from Votes in Parliament was not of so general Consequence, as that, by it, the whole Clergy of *England* were excluded.

'The *first* Reason he offered was this, That the Bishops did not vote for the whole Clergy; for that if it should be so, then the Clergy of *England* would be twice represented, and twice voted for in Parliament.

1. 'This appears by all the antient Writs of Summons; which, till of late, were to this Effect: A Writ of Summons went to the Bishop commanding him *summonire* all the Clergy of his Diocese to appear by Proxies of their chusing. What to do? *Ad consentiendum iis quæ de Communi Concilio Regni*

Regni ordinari contigerit. So that if the Biſhops do represent the Clergy, then the Clergy are twice represented; firſt by the Proctors, and again by the Biſhops. Now, although the Form of the Writs be alter'd, yet the Reaſon holds, and ſtill remains. An. 17. Car. I. 1641. October.

2. 'If they vote for the Clergy, then they are to be elected by the Clergy, as the Members of the Commons Houſe now are; but your Lordſhips, voting only for yourſelves, need no Election.

3. 'If they voted for the Clergy as a Third Eſtate, then it would follow that no Act of Parliament could be good where they did diſſent; but many Acts of Parliament are paſſed, where all the Clergy diſſented: And the laſt, he ſaid, that came to his Memory, was the Statute of 1. *Elizabeth*, eſtabliſhing the Book of Common Prayer, to which all the Biſhops did diſaſſent. The Entry in the Roll is *Diſſentientibus Epiſcopis*; and yet that Statute is holden for a good Law to this Day. This was offered to ſhew, That it might not be conceived, that the denying the Biſhops to have Votes in this Bill now before your Lordſhips, was of ſuch general Influence as to take from the Clergy any Intereſt or Privileges that formerly belong'd to them.

'In the *ſecond* Place he ſaid, He was to preſent the Senſe of the whole Houſe of Commons to your Lordſhips, That the Prelates have not ſo abſolute a Right of Peerage for voting in Parliament, as the Temporal Lords have out of Parliament. This appears by that Inſtance of higheſt Conſequence, that they are not triable by their Peers for their Lives, but by an ordinary Jury. In Parliament they have no Vote in Judgment of Blood, Life, or Member: But if their Peerage were ſo inherent in them as it is in the Temporal Peers, no Eccleſiaſtical Canons could take it from them. Beſides, in Point of Right, it hath been reſolved by all the Judges of *England*, 7. *Henry* VIII. in *Keilway*'s Reports, 'That the King may hold his Parliament, by the Lords Temporal and Commons, 'without calling of the Biſhops; and that, upon

'ſeveral

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'several Occasions, especially concerning the Pope 'or themselves, the Bishops have been excluded, 'and their Votes not admitted herein.' He said, he was commanded to offer some Precedents to your Lordships upon the sudden.

'In the Parliament of 25. *Edward* I. the Bishops refused to join with the Lords and Commons in granting of Subsidies for the Good of the Kingdom. This was holden at *Bury*; and, *excluso Clero*, many Acts were then made, never since question'd [a].

'In 35. *Edward* I. at the Parliament at *Carliste*, divers Petitions were there exhibited by the Commons concerning the Prelates and Lord Abbots, for oppressing the poor Clergy; and several Acts were made for their Relief: But by whom? By the King, Earls, Barons and other Nobles, and the Commons only. Now, in respect the several Ranks of the Nobility are named, it is evident the Bishops did not consent; because that, in all other Acts where they do consent, they are particularly named. And if it be objected, 'That they might 'be there and might give a Negative, and therefore 'were not named among them that did consent;' it appears, that *habito Tractatu cum Comitibus, Baronibus, & cæteris Communitatibus*, the King did enact those Things, and *never call'd the Bishops* to the Debate [b]: This appears in the Parliament-Roll.

'In 20. *Edward* III. Parliament-Roll, N°. 33. the Commons petition that no Allowance be made

[a] This was occasioned by a Quarrel between that King and the Bishops, on account of the latter's refusing to grant any Subsidy without Leave from the Pope.——See our First Volume.

[b] This Assertion is a very great Mistake: For although the Ordinances and Statutes in this Parliament are said, in the *Statutes at large*, to be enacted by 'our Lord the King, after full Conference 'and Debate had with his Earls, Barons, Nobles, and other great 'Men of his Kingdom touching the Premises, by their whole Con-'sent and Agreement;' without any Mention either of the Bishops or of the Commons; yet the Bishops, Abbots, and Priors were particularly summon'd by Name to this Parliament; and Writs were issued for the Election of Members for the Counties, Cities and Boroughs, as appears by the List, printed in our First Volume.

made to the Cardinals that had been in *France* for treating of Peace [a]: In the Roll it is thus entered *Assented unto as reasonable by the Dukes, Earls, Barons, and other the Lay Gentz*, without ever naming the Bishops. Now these Words, *other Lay Gentz*, shew that the Bishops were none of the Number that voted in that Law: And it is to be noted, That in Acts, where the particular Ranks are set down, none of the Temporal Ranks have ever been omitted; and if the Spirituality had voted, they should have been named, tho' in Vote they had dissented. An. 17. Car. I. 1641. October.

'*Eodem Anno*, N° 35 *ad* N° 38, there being two other several Acts made upon Petitions of the Commons, the one against Provisions as to some Cardinals, and the other to restrain the carrying of Money to *Rome*; the Answer is made, as before, by the Dukes, Earls, Barons, and Commonalty, never mentioning the Lords Spiritual.

'In 3. *Ric.* II. *cap.* 3. and 7. *Ric.* II. *cap.* 12. there are, in Print, Acts made by the King and Lords Temporal only, without the Lords Spiritual. The Statute of 7. *Ric.* II. recites the former Statute of 3. *Ric.* II. which said, 'Our Lord the 'King, by the Advice and common Assent of all 'the Lords Temporal, and Commons being in 'this Parliament assembled, hath ordained,' *ut sequitur* in the Act. And these Acts made by the King, the Lords Temporal and Commons only, were upon the clamorous Complaints of the Commons, about the giving of the Benefices of *England* to Strangers and others, who never were resident upon their Benefices.'

This Report being made, the Lords took the same into Consideration; and, for the better De-

[a] This Passage runs thus in the *Lords Journals:* But the Meaning of it must be, That the King, by the Advice of his Parliament, took into his own Hands all the Profits, Revenues, and Emoluments, which the Cardinals of the *French* Faction, and other foreign Clergymen, held within the Realm: For neither he nor his Lords thought it reasonable that those who favoured the Pope, a *Frenchman* by Birth, and the *French* King, should enjoy any such Promotions or Advantages in his Kingdom, he being at that Time at War with *France*.

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bate thereof, the House was adjourned into a Committee during Pleasure. And the Question being put, Whether those thirteen Bishops, that are impeached of Crimes from the House of Commons, should be suspended from their Votes in that House, whilst they stand *Recti in Curia?* a long Debate ensued; which ended with an Order, 'That the farther Consideration of this Matter, and the Exclusion-Bill, should be referred to the 10th of *November* next.'

Oct. 28. A select Committee of the House of Commons was chosen to prepare, out of the whole Debate which happened this Day, a Petition to be presented to his Majesty, to prevent the Mischiefs that may happen to the Commonwealth, by the Choice and Employment of evil Counsellors, Ambassadors, Judges, Officers, and other Ministers of State; and to have Power to send for Parties, Witnesses, Papers, Records, and any Thing conducive to that Service.

We meet with the following Speech in the House of Commons, made by one Mr. *Smith*, dated as this Day, occasioned by the distracted State of these Times [b].

Mr. *Smith*'s Speech concerning the Distractions of the Times.

Mr. Speaker;

'THE last Time we assembled we sat like a College of Physicians upon the Life and Death of three great Patients, whose bleeding Hearts lay prostrate before us, and were arrived at that critical Minute, either to receive Relief or eternal Destruction. The three unfortunate Nations were presented to us in all their Distractions; and grown to such a superlative Height in their Miseries, that, like nursing Mothers bereaved of their tender Infants, they were careless of what might happen to them, *Quia perdiderant Libertates.* These three Kingdoms, whose Peace and Amity filled the remaining

[b] It is only intitled, *An honourable Speech in Parliament*, Oct. 28, 1641, *by Master* Smith, *of the* Middle-Temple. Printed for *W. Lowndes.*

maining World with Envy and Emulation; and were like that happy Trinity of Faith, Hope, and Charity, in a perfect Union; had but now their Swords edged to each other's Confusion. *O Scelus Hominum!* Height of Impiety! Καὶ σὺ Τέκνον! said *Cæsar* in the Senate: It was not his Death that grieved him, but that his Son should advance his Hand to his Slaughter. How many Sons and *Neroes* had we, whose earnest Endeavours were to rip up their Mother's Womb, and, like Vipers, eat thro' her Bowels, and to lay desolate their Father's House!

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——*Quis Talia fando,*
Temperet a Lachrymis?——

'And yet all this had been but a Prologue to our Tragedy, had not God Almighty been pleased to interpose his Hand; to have been a Pillar of Fire betwixt us and our Captivity, and to have wrought our Deliverance by his great Instrument the Parliament; whose constant Labour it hath been, for this Year past, to create a true Understanding and firm Peace between the Nations; which I hope is so accomplished, that it is not in the Power of the Devil, or all his Works, ever to dissolve it.

'This, I say, was the Work of our last Sitting.

'Give me Leave now, Sir, I beseech you, to deliver what I conceive convenient to be of this;—1. To give God his Due; 2. To establish the Rights between King and People; and, 3. To compose Things amongst ourselves.

'That, *first*, we may give God his Due, we must advance his Worship, and compel Obedience to his Commands, wherein he hath been so much neglected. Honour and Riches have been set up for Gods, in Competition with him: Idolatry and Superstition have been introduced, even into his House; the Church and he expulsed: His Name hath been blasphemed, and his Day profaned, by the Authority of that unlawful Book of Sports; and those, who would not tremble thus to dishonour God, would not scruple to do it to their Parents, or injure their Neighbours, either by

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Murder of them, or by Adultery, *David*'s great Crimes. They have not only robb'd God of his Honour, but Men of their Eſtates, and part of Themſelves; Members and Ears having been ſet to Sale, even to the deforming that Creature whom God had honoured with his own Image. That they might colour this their Wickedneſs, Perjury and falſe Teſtimony have been more frequent with them than their Prayers: And all this proceeded out of an inordinate Deſire of that which was their Neighbour's; and thus God, in all his Commandments, hath been abuſed. Can we then wonder at his Judgments, or think he could do leſs than he hath done to right himſelf upon ſuch a rebellious People?

'I beſeech you, Sir, let us do ſomething to ſeat him in his Throne, and worſhip him all with one Mind; and not that every one ſhould go to God a Way by himſelf. This Uncertainty ſtaggers the unreſolved Soul, and leads it into ſuch a Labyrinth, that, not knowing where to fix, for fear of erring, it adheres to no Way; ſo it dies e'er it performs that for which it was made to live. Uniformity in his Worſhip is that which pleaſeth him; and, if we will thus ſerve him, we may expect Protection from him.

'The *next* Thing that I conceive fit to be conſidered, is, 'To cauſe the Rights both of the King 'and People truly to be underſtood:' And, in this, to give that Authority to the Prerogative which legally it hath, and to uphold the Subjects Liberty from being minced into Servitude.

'That the King ſhould have a Prerogative is neceſſary for his Honour, it diſtinguiſhes him from his People; but if it ſwells too high, and makes an Inundation upon his Subjects Liberty, it is no longer then to be ſtyled by that Name. The Privilege of the Subject is likewiſe for his Majeſty's Honour. King *David* gloried in the Number of his People; and Queen *Elizabeth* delivered, in a Speech in Parliament, 'That the Greatneſs of a Prince

'Prince consisteth in the Riches of his Subjects;' intimating, That then they stood like lofty Cedars about him, to defend him from the Storms of the World; and there were ample Demonstrations of this in that renowned Queen's Reign. But what Encouragement can they have, either to increase their Numbers or Estates, unless they may have Protection both for themselves and Estates? Therefore the Privilege and Greatness of the Subject are, relatively, for the Honour of the Prince. An. 17. Car. I. 1641. October.

'Prerogative and Liberty are both necessary to this Kingdom; and, like the Sun and Moon, give a Lustre to this benighted Nation, so long as they walk at their equal Distances: But when one of them shall venture into the other's Orb, like those Planets in Conjunction, they then cause a deeper Eclipse: What shall be the Compass then by which these two must steer? Why, nothing but the same by which they subsist, the Law; which, if it might run in the free Current of its Purity, without being poisoned by the venomous Spirits of ill-affected Dispositions, would so fix the King to his Crown, that it would make him stand like a Star in the Firmament, for the Neighbour-World to behold and tremble at.

'That they may be the better acted, I shall humbly desire, that, after so many Times, that great Charter, the Light of the Law, may be reviewed; the Liberty of the Subject explained, and be once more confirmed; Penalties imposed on the Breakers; and let him die with the Bargain that dares attempt the Act.

'The last Thing that falls into Consideration, is, 'To set Things right amongst ourselves, the 'Subjects of *England*.' And, in this, so to provide, that the *Mecænas*'s of the Times may not, like great Jacks in a Pool, devour their Inferiors, and make Poverty a Pavement for themselves to trample on. This hath been a Burden we have long groaned under; for if a Great Man did but say the Word, it was sufficient to evict my Right, even

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from my own Inheritance. They had both Law and Juſtice ſo in a String, that they could command them with a Nod; and thus People have been diſinherited of their common Right, the Law, which is as due to them as the Air they breathe in.

'On the other Side, we muſt take Care, that the common People may not carve themſelves out Juſtice, by their Multitudes. Of this we have too frequent Experience, by their breaking down Incloſures, and by raiſing other Tumults to as ill Purpoſes; which, if they be not ſuddenly ſuppreſs'd, to how deſperate an Iſſue this may grow, I'll leave to your better Judgments. My humble Motion, therefore, is, That an Intimation may go forth into the Country, to wiſh thoſe that are injured to reſort to the Courts of Law; and, if there they fail of Juſtice, in Parliament they may be confident to receive it.'

An Order of the Houſe of Commons was this Day made and publiſhed, declaring, 'That becauſe much important Buſineſs, concerning the Church and State, did yet remain unſettled; and to prevent the Danger that might grow in this Time of Contagion, by a great Reſort of People to different Committees for private Affairs; and the Houſe having appointed to ſit daily, from Ten to Three in the Afternoon, it was ordered, That all ſuch Committees be, from henceforth, ſuſpended.

A Conference appointed on occaſion of five Biſhopricks being vacant.

October 29. At this Time there being a Vacancy, in the Church, of five Biſhops Sees; and, the King purpoſing to fill them up at his Return, a Motion was made in the Houſe of Commons, That a Conference ſhould be had with the Lords, to deſire them to join with that Houſe in a Petition to his Majeſty, to ſtay the making of theſe five Biſhops, untill further Conſideration be had with both Houſes about it. A Debate ariſing on this, the Houſe divided; when it was carried for a Conference, 71; againſt it, 53; and a Committee was appointed accordingly.

October

October 30. The House of Commons passed several Resolutions, and Censures on the Patentees for Soap, *&c.* and sent to the Lords to desire they would sit that Afternoon, having Business of Importance to communicate to them. Soon after another Messenger was sent up to them, to desire a present Conference touching the Safety of the Kingdom, and the Security of the Prince's Person. The Lords agreed to this Conference; and, being returned from it, the Lord Keeper reported the Substance of it to the Lords, to this Effect: An. 17. Car. I. 1641. October.

'That the House of Commons were full of Tenderness for the King's Honour, and Duty to the King's Person and his Posterity. It was said, that it was no News, now-a-days, to hear of dangerous Designs, therefore the House of Commons have Reason to look into every Corner whence Danger may come. And, upon Information, that House understands that the Prince, of late, hath been much from his House, at *Oatlands*, out of the Custody of his Governor. They do not doubt of the motherly Affection and Care of the Queen towards him; but there are dangerous Persons at *Oatlands*, Priests and Jesuits, as hath of late appeared by some Examinations taken; and that some of them were sent for by the House of Commons. Report of a Conference concerning the Safety of the Prince, *&c.*

'Upon these Reasons that House desires that a Message may be sent to the Lord Marquis of *Hertford*, from both Houses of Parliament, that he would, forthwith, take the Prince into his Custody and Charge, and attend upon him in Person; and to desire that the Prince would make his ordinary Abode and Residence at his own House, at *Richmond*; and that his Lordship would place such Persons about him as he will be answerable for to both Houses.'

Hereupon the Lords taking this Report into Consideration, resolved to send the Lord Marquis of *Hertford* and the Earl of *Holland*, to acquaint the Queen with it, and present to her Majesty the Reasons aforesaid for it. They then made the following A Message sent to the Queen thereupon.

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lowing Order; which was agreed to by the Commons, and sent to the Marquis.

'The Desire of both Houses of Parliament is, 'That the Lord Marquis of *Hertford*, Governor 'to the Prince, will take Care that his ordinary 'Residence and Abode be at his own House; and 'that no such Person, as may give Cause of Distrust 'of meddling with him, either in any Point against 'his Religion, or against the Security of his Person, 'be admitted about him; and, to this Purpose, 'that the said Marquis do diligently attend him in 'Person; and this Care both Houses expect that 'his Lordship will take, as he will answer it to the 'King and Kingdom.'

Her Majesty's Answer.

The Queen return'd Answer, *That she gave the Parliament Thanks for their Care of her Son. The Occasion why she sent for him, was to celebrate the Birth-Day of one of his Sisters; but that he should be presently sent back to* Richmond. And added, *That she made no doubt but, at the King's Return, the Parliament would express the same Care of his Majesty's Honour and Safety.*

A Committee of Lords acquaint the Commons with the Rebellion in *Ireland*.

November 1. In the Morning of this Day, the Lord Keeper, the Lord Privy Seal, the Earl Marshal, the Lord Admiral, the Lord Chamberlain, the Earls of *Bath*, *Dorset*, *Leicester*, *Warwick*, *Holland*, *Berks*, and *Bristol*, with the Lords *Say* and *Sele*, *Mandeville*, *Goring*, and *Wilmot*, all Lords of his Majesty's Most Honourable Privy Council, came into the House of Commons; and informed the Members of certain Intelligences which were lately come, of a great Treason and general Rebellion of the Papists in *Ireland*, and a Design of cutting off all the Protestants there, and seizing on all the Forts in that Kingdom. The Letters and Examinations that expressed the Nature of these Treasons, were all read publickly in the House, in Presence of the said Lords, who had Chairs set on purpose for them; and, after they had been there a little while, Mr. Speaker desired them to sit and be covered.

These Letters and Examinations are entered at Length in the *Lords Journals* of this Day; but since they are also in *Rushworth*'s *Collections*, and in other Historians of these Times, and are much too long for our Purpose, we shall omit them; and only give the Resolutions of the Commons on this important Occasion. An. 17. Car. I. 1641. November.

On the Lords withdrawing, the House of Commons went immediately into a Committee to take this Affair into Consideration, and to provide for the Safety of both Kingdoms; and, after some Time spent therein, it was *resolved*, upon the Question, 'That the Sum of 50,000 *l.* be forthwith provided: That a Conference be desired with the Lords, to move them, that a select Committee of both Houses may be appointed to go to the City of *London*, and acquaint them with the Business in *Ireland*; and that the lending of Money at this Time will be an acceptable Service to the Commonwealth: To propose unto them the Loan of 50,000 *l.* and assure them that they shall be secured, both for Principal and Interest, by Act of Parliament.' Resolutions of the Commons thereupon.

Resolved, 'That another Head of this Conference shall be to desire the Lords, that a select Committee of both Houses may be named, to consider of the Affairs of *Ireland*, and of the raising and sending of Men and Ammunition thither from hence: A Declaration of both Houses to be sent into *Ireland*; and that this Committee may have Power to open such Packets as come from thence, or go from hence thither.'

Resolved, upon the Question, 'That *Owen Connolly*, who discovered the great Treason in *Ireland*, shall have 500 *l.* presently paid him, and 200 *l.* *per Annum*, Pension, untill Provision may be made of Inheritance, of greater Value; and to be recommended to the Lord Lieutenant there for some Preferment.'

Resolved, upon the Question, 'That the Persons of Papists of Quality may be secured, in the several

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several Counties of this Kingdom where they reside; and that such *English* Papists as have, within one Year last past, removed themselves into *Ireland*, except such Persons as have antient Estates and Habitations there, may, by Proclamation, be recalled, within one Month after the Publication of it in that Kingdom; or else some Course be taken, by Act of Parliament, to sequester their Estates.'

There were some other Resolutions made, relating to the Dissolution of the *Capuchin-House* in the *Strand:* To desire that the Ambassadors may be sent to, to deliver up such Priests, as are the King's Subjects, in their Houses: That a List may be brought in of the Queen's Priests, and other her Servants, with those of the Prince, and all such as are about the King's Children. A Proclamation, commanding all Strangers, that are not Protestants, to deliver in Tickets of their Names, within two Days, or else to depart the Kingdom. All Innkeepers, and others that entertain Lodgers, to give in Tickets of the Names of all such as lodge in their Houses, to the Lord Mayor and Aldermen of *London*, or to the next Justices of the Peace in *Middlesex*, &c. All which Votes and Resolutions were agreed unto by the Lords at a Conference.

A Member expelled for selling Protections.

November 2. The Commons expelled Mr. *Henry Benson*, Member for *Knaresbrough*, for granting and selling Protections; and a Writ was ordered to chuse a new Member in his Room.

One *Robert Philips*, a Romish Priest, and Servant to the Queen, was brought before the House of Lords, to be examined as a Witness; who hearing the Oath read to him which he was to take, objected to it as being too general, and that he might thereby be obliged to accuse himself: But the Lords satisfying him in that Point, he consented: Then a Bible being brought, he said, *That the Bible used by them was not a true Bible, and therefore his Oath would not bind him*; which Words he affirmed a second Time. The Lords conceiving that these Words were used, without any Occasion given, to the

the Scandal of their Religion, and in the Face of a Parliament, thought proper to ſend the ſaid *Philips* to the *Tower*; and theſe Reaſons were ordered to be delivered to the Queen for his Commitment. An. 17. Car. I. 1641. November.

The Queen's Confeſſor committed to the *Tower*.

November 3. Several more Orders made, by both Houſes, relating to the *Iriſh* Affairs; and a Letter ordered to be wrote and ſent to the King in *Scotland*, preſſing his ſpeedy Return to this Kingdom. The Houſes meeting with ſome Reluctancy, in the City of *London*, concerning the preſent Loan of 50,000 *l.* as demanded; the Commons order'd 20,000 *l.* to be forthwith had out of the ready Money in the Treaſury; and voted that 6000 Foot and 2000 Horſe, be ſpeedily raiſed and tranſported into *Ireland*: That a convenient Number of Ships ſhall be provided to guard the *Iriſh* Coaſts; and that Magazines of Victuals, &c. ſhall be placed in the ſeveral Ports of this Kingdom, ready for tranſporting to *Ireland*, with other Articles of the like Nature: To all which the Lords agreed.

Proceedings relating to the *Iriſh* Rebellion.

November 4. Both Houſes were yet very buſily employed on the *Iriſh* Affairs: A Declaration was framed to be ſent there and publiſhed: Letters ſent alſo to the Lords Juſtices in that Kingdom, with Orders how to proceed in their Conduct for ſuppreſſing the Rebellion.

November 5. Little Buſineſs done becauſe of the Solemnity of the Day. Dr. *Burgeſs* preach'd before the Commons, and was deſired to print his Sermon. A Report was made to the Houſe of Lords, by the Lord *Seymour*, of the Queen's Anſwer to the Meſſage ſent her about the Commitment of Father *Philips*, her Confeſſor; which was in theſe Words:

My Lords,

THE Meſſage I received from you, I have taken into ſerious Conſideration, and do not a little wonder that Father Philips *ſhould ſo much forget himſelf,*

The Queen's Anſwer to the Lords Meſſage relating to her Confeſſor.

as

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as I find he hath done; which I am so far from approving, that I cannot but be sorry for it. I must acknowledge your Respects to me, in giving me Satisfaction in your Proceedings therein. If I did not believe what was done by him is out of Simplicity, I should not speak for him. You all know how near he is to me by the Place he holds; and if it shall appear unto you, that he hath not maliciously done any Thing against the State, if, for my Sake, you will pass by this present Offence, I shall take it as a further Testimony of your Respects unto me; which I shall be ready to acknowledge upon all Occasions that shall offer.

Some Days after, the Priest, petitioning for a Release, the Lords were inclined to grant it, on his humble Submission; but, sending to the Commons, it was refused; and he was not admitted to Bail till the second of next Month.

Several Days now passed over, without any Thing material in the *Journals*, except more Orders for levying Forces, and carrying a Press-Act thro' both Houses, till

November 10, when the Commons went upon two great Points, the framing of new Instructions to be sent to their Commissioners in *Scotland*, and preparing a Declaration, or Remonstrance, of the State of the Kingdom. The latter of these was read the first Time, in the Commons, the Day before; when several more Grievances were given in, and ordered to be added to it: And the Instructions were reported to the House of Lords as follows [k]:

Instructions from the Parliament to their Commissioners in *Scotland*.

I. 'YOU shall humbly inform his Majesty, 'that the Propositions made to the Par- 'liament of *Scotland*, concerning their Assistance for 'suppressing the Rebellion in *Ireland*, hath been 'fully considered and debated by both Houses of 'Par-

[k] The Articles in these Instructions are somewhat transposed in *Rushworth*, but are, *totidem Verbis*, the same as in the *Lords Journals*: The succeeding Speech of Mr. *Pymme* is copied from those Authorities, and is not in his Collections.

'Parliament here; and their wife and brotherly Ex- An. 17. Car. I.
'preſſions and Proceedings are apprehended and 1641.
'entertained here by us, not only with Approba- November.
'tion, but with Thankfulneſs: Wherefore we de-
'ſire that his Majeſty will be pleaſed, that you, in
'the Name of the Lords and Commons of *En-*
'*gland*, give public Thanks to the States of the
'Parliament of *Scotland*, for their Care and Rea-
'dineſs to employ the Forces of that Kingdom for
'the reducing the rebellious Subjects of *Ireland* to
'their due Obedience to his Majeſty and the Crown
'of *England*.

II. 'You ſhall further make known to his Ma-
'jeſty, that (in the great and almoſt univerſal Re-
'volt of the Natives of *Ireland*, cheriſhed and fo-
'mented, as we have Cauſe to fear, by the ſecret
'Practices and Encouragements of ſome foreign
'States, ill affected to this Crown; and, that the
'Northern Parts of that Kingdom may with much
'more Eaſe and Speed be ſupplied from *Scotland*
'than from *England*) we humbly deſire and be-
'ſeech his Majeſty to make Uſe of the Aſſiſtance
'of his Parliament and Subjects of *Scotland*, for the
'preſent Relief of thoſe Parts of *Ireland* which lie
'neareſt to them; according to the Treaty agreed
'upon, and confirmed in both Parliaments, and
'their affectionate and friendly Diſpoſition now
'lately expreſſed, as is more particularly ſpecified
'in the 5th Article.

III. 'You ſhall preſent to his Majeſty the inclo-
'ſed Copy of the Declaration, which we have ſent
'into *Ireland*, for the Encouragement of his good
'Subjects there, and for the more ſpeedy and effec-
'tual oppoſing of the Rebels; and, in Execution
'and Performance of our Expreſſions, therein
'made, of Zeal and Faithfulneſs to his Majeſty's
'Service, we have already taken Care for 50,000*l.*
'to be preſently borrowed and ſecured by Parlia-
'ment: We have likewiſe reſolved to haſten the
'Earl of *Leiceſter*, Lord-Lieutenant of *Ireland*,
'very ſpeedily to repair thither; and forthwith to
'raiſe a convenient Number of Horſe and Foot,

'for

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'for securing *Dublin* and the *Engliſh* Pale, with 'ſuch other Parts as remain in his Majeſty's Sub-'jection, intending to ſecond them with a far 'greater Supply.

IV. 'We have further ordered and directed, 'That his Majeſty's Arms and Munition, lying in 'the City of *Carliſle*, ſhall be tranſported into the 'North Parts of *Ireland*, for the Supply of *Carrick-'fergus*, and other his Majeſty's Forts and Garri-'ſons there; and that a convenient Number of 'Men ſhall be ſent from the North Parts of *En-'gland*, for the better Guard and Defence of thoſe 'Forts and Countries adjoining; and that a large 'Proportion of Arms and other Munition ſhall be 'ſpeedily conveyed, out of his Majeſty's Stores, to '*Weſt-Cheſter*, to be diſpoſed of according to the 'Direction of the Lord-Lieutenant of *Ireland*, for 'arming the Men to be ſent from *England*, and 'ſuch other of his Majeſty's loyal Subjects as may 'be raiſed in *Ireland*.

V. 'And becauſe we underſtand that the Rebels 'are like, with great Strength, to attempt the Ruin 'and Deſtruction of the *Britiſh* Plantation in *Ulſter*; 'we humbly adviſe his Majeſty, by the Counſel 'and Authority of his Parliament in *Scotland*, to 'provide, that one Regiment, conſiſting of 1000 'Men, furniſhed and accompliſhed with all neceſ-'ſary Arms and Munition, as ſhall ſeem beſt to their 'great Wiſdoms and Experience, may, with all 'poſſible Speed, be tranſported into *Ireland*; under 'the Command of ſome worthy Perſon, well af-'fected to the Reformed Religion, and the Peace 'of both Kingdoms, and well enabled with Skill, 'Judgment, and Reputation for ſuch an Employ-'ment; which Forces we deſire may be quartered 'in thoſe Northern Parts for the oppoſing of the 'Rebels, and Comfort and Aſſiſtance of his Ma-'jeſty's good Subjects there; with Inſtructions from 'his Majeſty and the Parliament of *Scotland*, that 'they ſhall, upon all Occaſions, purſue and ob-'ſerve the Directions of the Lord-Lieutenant, his 'Lieutenant-General, or the Governor of *Ireland*, 'accord-

'according to their Authority derived from his 'Majesty and the Crown of *England*.

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VI. 'And, as touching the Wages and other 'Charges needful, which this Assistance will re- 'quire, we would have you, in our Name, to be- 'seech his Majesty to commend it to our Brethren, 'the Estates of the Parliament of *Scotland*, to take 'it into their Care, on the Behalf of his Majesty, 'and this Kingdom, to make such Agreements 'with all the Commanders and Soldiers to be em- 'ploy'd, as they would do in the like Case for them- 'selves; and to let them know, for our Parts, we 'do wholly rely upon their honourable and friendly 'dealing with us, and will take Care that Satisfac- 'tion be made accordingly.

VII. 'You shall represent to his most Excellent 'Majesty this our humble and faithful Declaration, 'that we cannot, without much Grief, remember 'the great Miseries, Burthens, and Distempers 'which have, for divers Years, afflicted all his 'Kingdoms and Dominions, and brought them to 'the last Point of Ruin and Destruction; all which 'have issued from the cunning, false, and mali- 'cious Practices of some of those who have been 'admitted into very near Places of Counsel and 'Authority about him; who have been Favourers 'of Popery, Superstition, and Innovation; Sub- 'verters of Religion, Honour, and Justice; Fac- 'tors for promoting the Designs of foreign Princes 'and States, to the great and apparent Danger of 'his Royal Person, Crown, and Dignity, and of 'all his People; Authors of false Scandals and Jea- 'lousies betwixt his Majesty and his loyal Subjects; 'Enemies to the Peace, Union, and Confidence 'between him and his Parliament, which is the 'surest Foundation of Prosperity and Greatness 'to his Majesty, and of Comfort and Hope to 'them: That, by their Counsels and Endeavours, 'those great Sums which have been lately drawn 'from the People, have been either consumed un- 'profitably, or in the Maintenance of such Designs 'as have been mischievous and destructive to the

'State;

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'State; and whilſt we have been labouring to ſupport his Majeſty, to purge out the Corruptions and reſtore the Decays both of Church and State; others, of their Faction and Party, have been contriving, by Violence and Force, to ſuppreſs the Liberty of Parliament, and endanger the Safety of thoſe who have oppoſed ſuch wicked and pernicious Courſes.

VIII. 'That we have juſt Cauſe to believe, that thoſe Conſpiracies and Commotions in *Ireland*, are but the Effects of the ſame Counſels; and if Perſons of ſuch Aims and Conditions ſhall ſtill continue in Credit, Authority, and Employment, the great Aids which we ſhall be enforced to draw from his People, for ſubduing the Rebellion in *Ireland*, will be applied to the fomenting and cheriſhing of it there, and encouraging ſome ſuch-like Attempt by the Papiſts and ill-affected Subjects in *England*; and, in the End, to the Subverſion of Religion, and Deſtruction of his loyal Subjects in both Kingdoms; and do therefore moſt humbly beſeech his Majeſty to change thoſe Counſels from which ſuch ill Courſes have proceeded, and which have cauſed ſo many Miſeries and Dangers to himſelf and all his Dominions; and that he will be graciouſly pleaſed to employ ſuch Counſels and Miniſters, as ſhall be approved of by his Parliament, who are his greateſt and moſt faithful Council; that ſo his People may, with Courage and Confidence, undergo the Charge and Hazard of this War; and, by their Bounty and faithful Endeavours, with God's Bleſſing, reſtore to his Majeſty and this Kingdom that Honour, Peace, Safety, and Proſperity which they have enjoyed in former Times.

'And if herein his Majeſty ſhall not vouchſafe to condeſcend to our humble Supplication, altho' we ſhall always continue, with Reverence and Faithfulneſs to his Perſon and to his Crown, to perform thoſe Duties of Service and Obedience, to which, by the Laws of God and this Kingdom, we are obliged; yet we ſhall be forced, in Diſ-

'Discharge of the Trust which we owe to the State, and to those whom we represent, to resolve upon some such Way of defending *Ireland* from the Rebels, as may concur to the securing ourselves from such mischievous Counsels and Designs, as have lately been and still are in Practice and Agitation against us, as we have just Cause to believe; and to commend those Aids and Contributions, which this great Necessity shall require, to the Custody and Disposing of such Persons of Honour and Fidelity as we have Cause to confide in.' An. 17. Car. I. 1641. November.

When these Instructions were read at the Conference, Mr. *Pymme* proceeded in explaining to the Lords the several Steps, as they are there called, by which evil Counsels become dangerous:

Mr. *Pymme*'s Speech, at a Conference, concerning the Danger of evil Counsels.

1*st*, 'That the Dangers which come to the State by ill Counsels, are the most pernicious of all others: And since it is usual to compare Politic Bodies with Natural; the Natural Body is in Danger divers Ways, either by outward Violence, that may be foreseen or prevented; or else, by less appearing Maladies, which grow upon the Body by Distempers of the Air, immoderate Exercise, Diet, &c. and when the Causes of the Disease are clear, the Remedy is easily applied; but Diseases which proceed from the inward Parts, as the Liver, the Heart, or the Brains, the more noble Parts, it is a hard Thing to apply a Cure to such Diseases. Ill Counsels are of that Nature; for the Mischiefs that come by evil Counsel corrupt the vital Parts, and overthrow the public Government.

2*dly*, 'That there have been lately, and still are, ill Counsels in this Kingdom, and about the King. That there have been lately, you will not doubt, when the main Course of the Government hath been so employed, as Popery thereby hath been maintained, the Laws subverted, and no Distinction between Justice and Injustice: And that there are ill Counsels still, is apparent by the Courses taken to advance mischievous Designs; but that his Majesty's Wisdom and Goodness kept them from the

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Heart, tho' they were not kept out of the Court: So moſt principal and miſchievous Deſigns have been practiſed by ſuch as had near Acceſs unto his Majeſty, tho' not to his Heart; and the Apologiſts and Promoters of ill Counſels are ſtill preferred.

3*dly*, 'The ill Counſels of this Time are, in their own Nature, more miſchievous and more dangerous than the ill Counſels of former Times: Former Counſels have been to pleaſe Kings in their Vices, from which our King is free, and ſometimes for racking of the Prerogative. If it had gone no further it had brought many Miſeries, but not Ruin and Deſtruction: But the ill Counſels of this Time are deſtructive to Religion and Laws, by altering them both; therefore more miſchievous, in their own Nature, than thoſe of former Times.

4*thly*, 'That theſe ill Counſels have proceeded from a Spirit and Inclination to Popery; and have had a Dependence on Popery, and all of them tend to it. The Religion of the Papiſts is a Religion incompatible with any other Religion; deſtructive to all others, and doth not endure any Thing that oppoſeth it. Whoſoever doth withſtand their Religion, if they have Power, they bring them to Ruin. There are other Religions that are not right, but not ſo deſtructive as Popery; for the Principles of Popery are deſtructive of all States and Perſons that oppoſe it. With the Progreſs of this miſchievous Counſel they provide Counſellors, fit Inſtruments and Organs, that may execute their own Deſigns; and ſo turn all Counſels to their own Ends: And you find, now in *Ireland*, that thoſe Deſigns, that have been upon all the three Kingdoms, do end in a War, for the Maintenance of Popery in *Ireland*, and would do the like here if they were able; ſo intent are they to turn all to their own Advantage.

5*thly*, 'That unleſs theſe ill Counſels be changed, it is impoſſible that any Aſſiſtance, Aid, or Advice that the Parliament can take to reform, will be effectual; for the public Orders and Laws are but dead, if not put in Execution. Thoſe that are the

the Miniſters of State put Things into Action; but if acted by evil Men, and while theſe Counſels are on foot, we can expect no Good; it is like a Diſeaſe that turns Nutritives into Poiſon. An. 17. Car. I. 1641. November.

6*thly*, 'That this is the moſt proper Time to deſire of his Majeſty the Alteration and Change of the evil Counſellors, becauſe the Commonwealth is brought into Diſtemper by them, and ſo exhauſted that we can endure no longer. Another Reaſon why we cannot admit of them, is, to ſhew our Love and Fidelity to the King in great and extraordinary Contributions and Aids. When God doth employ his Servants, he doth give ſome Promiſe to rouſe up their Spirits; and we have Reaſon now to expect the King's Grace in great Abundance. This is the Time wherein the Subjects are to ſave the Kingdom of *Ireland*, with the Hazard of their Lives and Fortunes; and therefore expect it from his Majeſty in a more large and bountiful Manner than at other Times. A Time of great Agitation and Action; their State being ready, by Preparation, to annoy us, ill and falſe Counſels at home may quickly bring us to Ruin. As we have Weakneſs at home, ſo we ought to diſcern the Actions abroad, where great Proviſions are made: And a Careleſneſs and Improvidence herein, when our Neighbours are ſo provided, and have great Fleets at Sea, will open a Way to ſudden Ruin and Deſtruction, before we can be prepared; and therefore it is now the fitteſt Time to move the King.

7*thly*, and *laſtly*, 'That this Alteration of Counſels will bring great Advantages to the King in his own Deſigns. In all our Actions, our Prayers to God ſhould be, that his Name may be glorified; ſo our Petitions to his Majeſty ſhould bring Honour, Profit, and Advantage to him, by a Diſcouragement to the Rebels; a great Part of their Confidence reſting in the evil Counſels at home, as by the Examinations appeareth. It will be a great Encouragement to the King's good Subjects at home, who hazard their Lives, and give Aid and Contribution, to have Things govern'd for the Public

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Good. It will make Men afraid to prefer Servants to the King that are ill Counſellors, when they ſhall come to the Examination of the Parliament; for many Times Servants are preferred to Princes for the Advantage of foreign States.

'This will put an Anſwer into the King's Mouth againſt all Importunities, That he is to prefer none, but ſuch as will be approved of by Parliament. Thoſe that are honourable and moſt ingenuous are apteſt to be troubled in this Kind, and not to deny: Therefore the King may anſwer, 'He hath promiſed his Parliament not to admit of any, but by Advice of Parliament.' This will ſilence them all.

'Theſe are domeſtic Advantages: But it will alſo make us fitter to enter into Union and Treaty with foreign Nations and States, and to be made Partakers of the Strength and Aſſiſtance of others; it will fortify us againſt the Deſigns of foreign Princes. There hath been one common Counſel at *Rome* and in *Spain*, to reduce us to Popery; if we purſue good Counſel at home, we ſhall be the better prepared to preſerve Peace and Union, and better Reſpect from *Ireland*. It will alſo make us fit for any noble Deſign abroad.'

Previous to this Conference about evil Counſellors, &c. there had been a Debate in the Houſe of Commons, this Day, on the ſame Subject, in which we find a Speech of Sir *William Drake*, Member for *Agmondeſham*, as follows: [1]

Mr. Speaker,

Sir *Will. Drake*'s on the ſame Subject.

'IF we conſider thoſe dangerous Diſturbances that this Kingdom hath, of late Years, labour-ed under, 'tis certain that, in a general and original Conſideration, we cannot but impute them to the Wrath of God, for the Sins of this Nation; but, in a ſecond and more particular Conſideration, we may properly aſcribe them to the violent Counſels of ſome late Miniſters of State; who, either for want of Coun-

ſel,

[1] *London*, printed by *William Lowndes*, 1641. Not in *Ruſhworth* or *Nalſon*.

fel, or by malicious Practice, have brought this State, An. 17. Car. I. 1641. November.
from a happy, firm, and ſtrong Conſtitution, to ſo weak and feeble a Temper, that the great Phyſician, the Parliament, cannot, but with extreme Difficulty, apply Remedies fit and proportionable to the Diſeaſe, without they inevitably run ſome Hazard of endangering the Body itſelf; it being very perilous to apply ſtronger Remedies than the Strength and Conſtitution of the Patient can well bear.

'Mr. Speaker, you were truly told, by a grave and worthy Member [m], at the Beginning of this Parliament, That it muſt be ſome extreme Neceſſity, that would rectify and recover this State; and that, when that Extremity did come, it would be a great Hazard whether it might prove a Remedy or a Ruin; becauſe violent Diſeaſes do moſt commonly require violent Remedies, and violent Remedies are ordinarily pregnant of new Miſchiefs; which hath cauſed thoſe States, beſt ſkill'd in Government, always to diſcern Evil afar off in their Cauſes; and, by their Wiſdom and Foreſight, to prevent them. I am confident, had we had frequent Parliaments, we ſhould have given a timely Stop to Miſchiefs, and never have ſuffered them to have broken in upon us with ſuch an Inundation of Diſtempers that, without Divine Prevention, may yet ſwallow us up.

'Mr. Speaker, it is obſerved of the *Roman* Senate, a Pattern of beſt Government ſo long as they held up their firſt Virtue and Valour, that, after a great Defeat by *Hannibal*, their Confederates began to forſake them. But *Hiero*, King of *Sicily*, having ſo piercing a Judgment, that he could ſee thro' the preſent to the future; and obſerving the *Romans* ſtill ſo conſiderate and conſtant in all their Proceedings, even in this extreme Exigency of their Affairs; and that their Laws were never more ſtrictly obſerved by their Magiſtrates, nor their People more obedient to their Senate or Parliament; and how their Military Diſcipline was never, likewiſe, more ſeverely obſerved: This wiſe Prince, ſeeing their

[m] Sir *Benjamin Rudyard*.

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Foundations ſtood thus firm, ſent them Preſents of great Value; and correſponded with them in a ſtricter League of Friendſhip than ever before: Not unlike a good Phyſician, who, ſeeing favourable Symptoms in the ſtrongeſt Fit of his Patient's Diſeaſe, conceives firm Hope of his perfect Recovery.

'Now, Mr. Speaker, if we ſet before us an Image or Repreſentation of thoſe Diſtempers we ſtand environed withall, there could not poſſibly be that extreme Danger in them, but that there might be good Hopes of a ſpeedy Recovery; had we kept cloſe and conſtant to thoſe Grounds of Religion, Laws, and Military Diſcipline, which have been noted by the wiſeſt Legiſlators, to have been the main Cauſe, next under God, of the Strength and Duration of a State.

'But, Sir, if we examine it, how have our very Foundations been ſhaken? What Superſtition and Innovations have been brought in upon our Religion, of late Times, by ambitious, heady, and paſſionate Men? And from this Fountain, originally, as I conceive, flows moſt Part of our preſent Diſtractions. Queen *Elizabeth*, of ſacred and precious Memory to this Nation, keeping ſtedfaſt and conſtant to this Ground of Religion, kept this Kingdom peaceable and united at home; afforded a comfortable Influence and Aſſiſtance to the Proteſtant Parties abroad; and, after a long and happy Reign, went unto her eternal Reſt in Glory.

'And truly, Sir, I ſpeak it with all Humility, yet with ſome Confidence, that I ſhall never expect to ſee the quiet ſettled State of this Kingdom, till there be ſome Courſe taken to ſettle Religion to ſome Rule and Uniformity; and not to be thus ſuffered in an uncertain Condition, between illegal Innovations and Superſtition on the one Side, and I know not what lawleſs and irregular Confuſion on the other.

'And let us all, I beſeech you, calmly and ſeriouſly conſider, how natural a Motion it is to moſt Men, not limited by ſome Law, when they are come

come out of one Extreme, wherein they have been held by Fear, to run with as violent a Course into another, from Superstition and Idolatry to Irreverence and Contempt of God's public Worship and Ordinances. An. 17. Car I. 1641. November.

'For our Laws, Mr. Speaker, how have they been violated by illegal Taxations, Imprisonments, Monopolies, and other Pressures, whereby the Subject hath been prosecuted and grieved? But this is so obvious to every Man's Understanding and Sense, that I shall not insist upon it.'

'Mr. Speaker, I come next to our Military Discipline; and how hath this Ground of Strength been shaken, partly by the Loss of able and experienced Commanders in fruitless, if not dangerous, Attempts abroad; and partly by Neglect, and not duly keeping up our Musters at home?

'Mr. Speaker, every Man may lay it as lightly to Heart as he pleases; but I shall be bold to tell you, that all the Laws, that we have or shall make for the Defence of our Religion or Liberties, without provident Care in this Particular, will be but like to sumptuous and glorious Structures without Roof or Covering, subject to all Weather and Storms that shall arise; and whatever Parliaments shall, with great Wisdom and Providence, plant for the good Estate of future Times, without due Provisions for our Military Defence, may be soon cut down again by the Violence and Malice of a stronger Sword.

'Therefore, Mr. Speaker, as you have taken a provident Care for the securing of the Havens and Port-Towns, so I desire there may be timely Consideration had of the Inland Strength of the Kingdom; and that Musters, in all Counties of the Kingdom, be carefully (especially in these perilous Times) kept up; and that Care be taken that every County may have a sufficient Proportion of Powder, and other Provision, for their necessary Defence. That all Commands may rest in faithful Hands; and that Certificates of the true State of all Things, how they stand for Defence, may, from Time to Time,

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Time, be sent either to the Council of War you appoint for *Ireland*, or to any other whom the Parliament shall think meet; and thereupon to take Order, from Time to Time, to supply all Defects, as well of Captains, as of Munition, Powder, and other Necessaries.

'Mr. Speaker, this Point is more timely to be had in Consideration, because our Perils will increase, as foreign States settle and compose their Affairs to their best Advantage: And therefore I shall desire that our Quietness may not rest any longer upon so tickle a Ground, as the Unquietness of our Neighbour Kingdoms; for no State stands firm and secure, but upon its own Foundations.

'There is one Thing more, with which I will conclude; and I shall humbly represent it as, in my weak Opinion, a great Cause of our growing Distemper: This is the Abundance of Humours we have stirred, and not purged away, which are but fit Fuel for fresh Fire to take hold of, if it should burst forth; therefore as there be great Numbers in this State, *Qui Pœnâ, a Calamitate publicâ, Impunitatem sibi spondent*, I shall make it my humble Motion and Desire, That we make severe Examples of some few of the most capital Offenders; and either pardon the meaner Delinquents, if Justice will admit thereof, or at least to let them, in some reasonable Time, know what they may trust to; otherwise as many, as look desperately upon their own Fortunes, will be too ready to give their Vote for Troubles, and seek their own Peace in the Public Disturbance; the Number of whom, as I conceive, should be warily prevented, especially in these Times of increasing Distraction.

'Sir, I have troubled you too long; and am not so inconsiderate but to object to myself, that some Things are of more instant and present Consideration than any Thing I have touched upon; as your sending Provisions for *Ireland*: But I desire, as those Affairs are in some Measure settled in a Way, we may timely apply ourselves to the Root and Causes

of

of our Diſtempers; begin with thoſe of moſt Importance; and ſo proceed with them to effect.' An. 17. Car. I. 1641. November.

November 11. This Day a Letter was read in the Houſe of Lords, from the Council of *Ireland*, dated *November* 5, ſhewing, That the Proteſtants there would be utterly deſtroyed, and that Kingdom cut off from the Crown of *England*, if preſent Supply of Men, Ammunition, and Money were not ſent from hence: That the Rebels proceeded in their Rebellion, and had ſeized on the Houſes, Eſtates, and Perſons of divers Men and Women of good Quality, and had murdered many: That they were gathered, in ſeveral Parts of *Ireland*, to the Number of 30,000, and threaten'd that they will not leave an *Engliſh* Proteſtant there; and that they will not lay down their Arms untill an Act of Parliament be paſſed for Freedom of their Religion: That the Council deſire a ſpeedy Supply of 10,000 Men with Arms, and 100,000 *l.* in Money. Account of the rapid Progreſs of the Rebellion in *Ireland*.

November 12. Many Reſolutions and Votes paſſed, in both Houſes, on this laſt Intelligence; the Number of Forces to be ſent were augmented to 10,000 Foot and 2000 Horſe; likewiſe the Parliament of *Scotland* were to be deſired to have in Readineſs 10,000 Men more, to be tranſported to *Ireland*, on Occaſion. The Letter from thence was ordered to be communicated to the City of *London*, and to be forthwith printed and publiſhed. The Houſe of Commons voted, That 200,000 *l.* ſhould be raiſed for the Suppreſſing this Rebellion, for the Security of this Kingdom, and for the Payment of Debts. The Parliament reſolve to augment the Forces, and raiſe Money for ſuppreſſing it.

The ſame Day the Commons received a Meſſage from the Lords, importing, That this being the Day for the thirteen Biſhops to give in Anſwers to their Impeachment, twelve of them had given in a Plea and a Demurrer; but that *Godfrey*, Biſhop of *Glouceſter*, had pleaded *Not Guilty*, *in Modo & Formâ*. The impeached Biſhops put in their Plea.

No-

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November 13. A Report was made to the House of Commons, 'That the Committee, appointed to go to the City, found a great deal of Readiness in them to lend Money, on the Security offered: But, before they did lend any, they humbly proposed, *1st*, That the Money should be paid as soon as the Act was passed. *2dly*, That, by reason of the Privileges of the Members of both Houses, and the Protections granted, especially by the Lords, a vast Sum of Money is detained from them; so that Trade cannot be driven, nor are they so able to lend Money for the Service of the Commonwealth, as they desired. *3dly*, They said they were sensible of the Miseries of the Protestants in *Ireland*, and of the Power of the Papists there; and therefore did press, with much Earnestness, that the Persons of the Papist Lords, and other Persons of Quality here in *England*, might be secured; lest some Design be in them here, as they have Cause to fear. *Next*, That there were divers Laws and good Motions sent up to the Lords, for the Good of the Church and Commonwealth; and that the great Impediment that they passed not there, was from the Bishops; and they did conceive, That so long as their Votes were in Parliament it would be a Hindrance to all good Laws; and therefore desired further Endeavours to take away their Votes.'

The *Londoners* agree to lend Money on certain Conditions.

Mr. Serjeant *Wylde* reported from the Committee appointed to examine into the Plea and Demurrer of the twelve Bishops, 'That after a long Debate and various Opinions, they had at last concluded that they were dilatory and insufficient; and that the twelve Bishops had made no Answer: Therefore to desire the Lords that the Bishops be order'd to put in a peremptory Answer, such as they will stand to.'

Informations of Plots.

November 15. The Parliament was this Day put in great Consternation, by the Information of one *Beal*, a Taylor, of a dangerous Plot of the Papists, against the Lives of several Members of both Houses. The Deposition of this Man is at Length in the *Lords*

Lords Journals; and was ſo far believed, that all neceſſary Precaution was taken to make a farther Diſcovery and prevent the Danger: But no Perſons being found, that were named to be concerned in it, we hear no more of this Matter. An. 17. Car. I. 1641. November.

November 16. Other Informations were ſent up to the Parliament from *Cheſhire* and *Lancaſhire*, of the Deſigns of the Papiſts in thoſe Counties. Upon all which an Ordinance of Parliament, for putting the Train'd Bands of the Kingdom in a Poſture of Defence, was read and agreed to by both Houſes. An Ordinance was alſo made to authorize the Earl of *Eſſex* to be Lord-Lieutenant on the South-Side *Trent*, and the Earl of *Holland* on the North; and the Houſe of Commons, particularly, ordered a Guard of Halberts to be ſet in convenient Places, for the Security of their Houſe. The Commons appoint a Guard to attend their Houſe.

November 17. Several Witneſſes were examined before the Houſe of Commons, after which it was reſolved, 'That there is ſufficient Evidence for this Houſe to believe, that there was a ſecond Deſign to bring up the Army againſt the Parliament, and an Intention to make the *Scots* Army ſtand neuter.'

The Commons had been long employed in framing a Declaration, or Remonſtrance, of the State of the Kingdom; and many Additions, Alterations, and Amendments are entered in their *Journals* about it. The moſt material Buſineſs, from the 18th to the 21ſt of this Month, was upon that Topic; when, being agreed to ſo far as to have it ingroſſed, the ſame was read in the Houſe; and the further Debate of it ordered to be on the 22d Inſtant.

During all this Time there was nothing, to our Purpoſe, done in the Houſe of Lords, but a Report of a Meſſage ſent to the Queen about the Commons refuſing to releaſe Father *Philips*, becauſe they had ſome Matters againſt him: And that her Majeſty deſired, if any ſuch Buſineſs was againſt him, it might be brought to a Hearing ſpeedily;

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dily; becauſe ſhe ſuffers much for want of her Confeſſor; and was unwilling to uſe any one elſe but him. Yet this being ſignified again to the Commons, they ſtill refuſed to releaſe him.

Proceedings as to the Queen's Confeſſor, Recuſants, &c.

November 22. The Lords took into Conſideration a Liſt of Recuſants Names, in ſeveral Counties of *England*, which the Commons had ſent up; and a Debate ariſing, Whether the Kingdom was in ſuch Danger, at this Time, as to require the ſecuring the Perſons of Popiſh Recuſants? it was agreed that it was, and that this ſhould be done in a legiſlative Way. On which a Bill was ordered to be drawn up for that Purpoſe.

Great Debates in the Commons, concerning a Remonſtrance of the State of the Kingdom.

This Day alſo the Houſe of Commons, according to Order, fell briſkly on their Declaration. A long Debate enſued on the keeping in, or leaving out, ſeveral Clauſes, Expreſſions, and Words in it; in which there were no leſs than four Diviſions of the Houſe. In the two laſt of them, the Queſtion being put, Whether this Declaration, ſo amended, ſhall paſs? it was carried for paſſing, by 159 againſt 148. And, in another Queſtion, Whether the Word *publiſhed*[m] ſhould ſtand in the Order for the not printing the Declaration, the Noes were 124, Yeas 101. But it was reſolved upon the Queſtion, That this Declaration ſhall not be printed without the particular Order of this Houſe[n].

We find a Speech of Sir *Edward Dering*'s upon this Occaſion; who, tho' he had ſignalized himſelf againſt the Court, in the Beginning of this Seſſion, yet was equally zealous againſt this Declaration.

This Speech, being very long, and printed in *Ruſhworth*, *Nalſon*, and Sir *Edward*'s own *Collections*

[m] Meaning, probably, *in Manuſcript Copies or Diſcourſe.* But the Entry here ſeems to be very lamely expreſs'd by the Clerk.

[n] According to Lord *Clarendon*'s Account, it ſeems as if the Order was this Day made for printing this Declaration: But it was not done till the 15th of *December*.——We have before obſerved that the Noble Hiſtorian is very inaccurate as to Dates of Proceedings, and the Diviſions of the Houſe, as appears upon Compariſon with the *Journals*. It is moſt probable that, in Parliamentary Matters, his Lordſhip wrote from Memory only.

tions °, we curſorily paſs over, to avoid Prolixity: But the following Paſſages are too remarkable to be omitted: An. 17. Car. I. 1641. November.

Mr. Speaker,

'THis Remonſtrance, whenſoever it paſſeth, will make ſuch an Impreſſion, and leave ſuch a Character behind, both of his Majeſty, the People, the Parliament, and of this preſent Church and State, as no Time ſhall ever eat out, whilſt Hiſtories are written, and Men have Eyes to read them. How curious then ought we to be, both in the Matter and the Form? Herein is a ſevere Point of Conſcience to be tried; let us be ſure that every particular Subſtance be a Truth; and let us cloath that Truth with a free Language, yet a modeſt and a ſober Language. Sir *Edward Dering*'s Speech on that Occaſion.

'Mr. Speaker, this Remonſtrance is, in ſome Kind, greater and more extenſive than an Act of Parliament: That reacheth only to *England* and *Wales*; but, in this, the three Kingdoms will be your immediate Supervifors; and the greateſt Part of Chriſtendom will quickly borrow the Glaſs to ſee our Deformities therein: They will ſcan this Work at Leiſure, which, I hope, we ſhall not ſhut up in Haſte.

'Some Pieces here are of excellent Uſe and Worth: But what is that to me, if I may not have them without other Parts that are both doubtful and dangerous?

'The Matter, Form, and final End of this Remonſtrance, all of them do argue with me, not to remonſtrate thus.

'When I firſt heard of a Remonſtrance, I preſently imagined that, like faithful Counſellors, we ſhould hold up a Glaſs to his Majeſty: I did not dream we ſhould remonſtrate downwards, tell Stories to the People, and talk of the King as of a third Perſon. The Uſe and End of ſuch a Remonſtrance, I underſtand not; at leaſt I hope I do not.

He

° Printed for *F. Egleſfield* and *J. Stafford*, 1641.

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He then proceeds to the Religious Grievances recited in the Declaration, vindicates ſeveral of the Biſhops and Clergy by Name, and concludes thus:

'I do beſeech you all with the Fervor of an earneſt Heart, a Heart almoſt divided between Hopes and Fears, never to ſuffer Diverſion or Diminution of the Rents we have for Learning and Religion; but, beſides the Pulpit, let us maintain an univerſal Militia of Theology, whereby we may be always ready and able (by Strength of our own, within our own happy Iſland at home) to ſtop the Mouth of all Errors and Hereſies that can ariſe.

'Never, never, let it be ſaid that ſacred Learning (for ſuch is that I plead for) ſhall in one eſſential Half thereof, be quite unprovided for in *England*. Sir, I have reaſon to be earneſt in this: I ſee, I know, great Deſigns drawing another Way; and my Fears are increaſed, not cured by this Declaration.

'Thus I have done: And becauſe I ſhall want Champions for true Religion: Becauſe I neither look for Cure of our Complaints from the common People, nor do deſire to be cured by them: Becauſe this Houſe (as, under Favour I conceive) hath not recommended all the Heads of this Remonſtrance to the Committee which brought it in: Becauſe it is not true that the Biſhops have commanded Idolatry: Becauſe I do not know any neceſſary good End and Uſe of this Declaration, but do fear a bad one; and becauſe we paſs his Majeſty and do remonſtrate to the People: I do here diſcharge my Vote with a clear Conſcience, and muſt ſay *No* to this ſtrange Remonſtrance.'

Lord *Clarendon*'s Account of the Debate thereon.

Lord *Clarendon*, who remarkably diſtinguiſhed himſelf in this Affair, under the Name, then, of Mr. *Hyde*, has given us the following Abſtract of the Debate upon it:

'It contained a very bitter Repreſentation of all the illegal Things which had been done from the firſt Hour of the King's coming to the Crown, to

that

that Minute; with all the ſharp Reflections which could be made upon the King himſelf, the Queen, and Council; and publiſh'd all the unreaſonable Jealouſies of the preſent Government, of the introducing Popery; and all other Particulars that might diſturb the Minds of the People, which were enough diſcompoſed. An. 17. Car. I. 1641. November.

'The Houſe ſeem'd generally to diſlike it, many ſaying, 'That it was very unneceſſary and unſeaſonable; unneceſſary, all thoſe Grievances being already fully redreſs'd, and the Liberty and Property of the Subject being as well ſecured for the future as could poſſibly be done; and unſeaſonable, after the King had gratified them with granting every Thing which they had deſired of him; and, after ſo long Abſence in the ſettling the Diſorders in another Kingdom, which he had happily compoſed, to be now welcomed home with ſuch a Volume of Reproaches for what others had done amiſs, and which he himſelf had reform'd.' Notwithſtanding all which, all the other Party appear'd paſſionately concern'd that it might not be rejected, and enlarged themſelves with as high Expreſſions againſt the Government as at firſt; with many Inſinuations, 'That we were in Danger of being deprived of all the good Acts which we had gain'd, if great Care and Vigilance were not uſed to diſappoint ſome Counſels which were ſtill entertain'd;' making ſome doubtful Glances and Reflections upon the Rebellion in *Ireland*, with which they perceived many good Men were eaſily amuſed; and, in the End, prevailed, 'That a Day ſhould be appointed, when the Houſe ſhould be reſolv'd into a Committee of the whole Houſe, and the Remonſtrance to be then retaken into Conſideration:' And, in the mean time, they employ'd all their Credit and Intereſt with particular Men, to perſuade them, 'That the paſſing that Remonſtrance was moſt neceſſary for the Preſervation and Maintenance of all thoſe good Laws, which they had already made;' giving ſeveral Reaſons to ſeveral Perſons, according to their Na-

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Natures and Inclinations; assuring many, 'That 'they intended it only for the Mortification of the 'Court, and Manifestation that that malignant 'Party, which appear'd to be growing up in the 'House, could not prevail; and then, That it 'should remain still in the Clerk's Hands, and ne-'ver be published.

'And, by these and the like Arts, they promised themselves, that they should easily carry it: So that the Day it was to be resumed, they entertain'd the House all the Morning with other Debates, and, towards Noon, call'd for the Remonstrance; and it being urged by some, 'That it was too late to 'enter upon it,' with much Difficulty they consented, 'That it should be entered upon the next 'Morning, at Nine of the Clock, and every Clause 'should be debated, the Speaker in the Chair;' for they would not have the House resolved into a Committee, which they believ'd would spend too much Time. *Oliver Cromwell*, who at that Time was little taken Notice of, ask'd the Lord *Falkland*, 'Why he would have it put off, for that 'Day would quickly have determin'd it? He answered, 'There would not have been Time enough; 'for sure it would take some Debate. The other replied, 'A very sorry one:' They supposing, by the Computation they had made, that very few would oppose it. But he quickly found he was mistaken; for, the next Morning, the Debate being enter'd upon about Nine of the Clock, it continued all that Day; and Candles being call'd for when it grew dark (neither Side being very desirous to adjourn till the next Day, though it was evident very many withdrew themselves out of pure Faintness and Disability to attend the Conclusion) the Debate continued till it was after Twelve of the Clock, with much Passion; and the House being then divided upon the passing or not passing it, it was carried in the Affirmative by Nine Voices, and no more [p]; And, as soon as it was declared, Mr. *Hampden* moved, 'That there might be an Order entered 'for

[p] By the *Journals*, the Majority was Eleven.

'for the present printing it,' which produced a sharper Debate than the former. It appear'd then, that they did not intend to send it up to the House of Peers for their Concurrence; but that it was, upon the Matter, an Appeal to the People, and to infuse Jealousies into their Minds. It had seldom been the Custom to publish any Debates or Determinations of the House, which were not first regularly transmitted to the House of Peers; nor was it thought, in Truth, that the House had Authority to give Warrant for the printing of any thing; all which was offer'd by Mr. *Hyde*, with some Warmth, as soon as the Motion was made for printing it; and he said, 'He believ'd the printing it, in that Manner, was not lawful, and he feared it would produce mischievous Effects; and therefore desired 'the Leave of the House, that if the Question 'should be put, and be carried in the Affirmative, 'he might have Liberty to enter his Protestation;' which he no sooner said, than *Jeffrey Palmer*, a Man of great Reputation, and much esteemed in the House, stood up and made the same Motion for himself, 'That he might likewise protest.' Many afterwards, without Distinction, and in some Disorder, cried out, together, 'They did protest;' so that there was, after, scarce any quiet and regular Debate: But the House, by Degrees, being quieted, they all consented, about Two of the Clock in the Morning, to adjourn till Two of the Clock the next Afternoon. And as they went out of the House, the Lord *Falkland* ask'd *Oliver Cromwell*, 'Whether there had been a Debate?' to which he answer'd, 'He would take his Word another Time;' and whisper'd him in the Ear, with some Asseveration, 'That, if the Remonstrance had been rejected, he would have sold all he had the next 'Morning, and never have seen *England* more; 'and he knew there were many other honest Men 'of the same Resolution.'

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Rushworth says, 'That this Debate lasted from Three in the Afternoon till Three the next Morning;

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ing; so that Sir *Benjamin Rudyard* said, 'It looked like the *Verdict* of a *ſtarved Jury*.'

November 23. The Bill for ordering ſome Perſons into ſafe Cuſtody, who are Popiſhly inclined, was read three Times, this Day, in the Houſe of Lords, and ſent down to the Commons. The ſaid Houſe alſo ſent up four Bills to the Lords; amongſt which there was only this remarkable one, *An Act for laying down the Privileges of Parliament during the preſent Seſſion*; which the ſaid Houſe recommended for Expedition. A Complement, no doubt to the City of *London*; who had complained, by Petition, againſt thoſe Privileges. —— The Commons, alſo, voted eight *per Cent.* to be paid for the Money they had borrowed of them; and an Act of Parliament to be ſpeedily paſſed for the Security of that and the Principal.

Act for laying down the Privileges of Parliament.

November 24. Nothing material done, in either Houſe, as this Day; the Houſe of Lords adjourned from hence to the 26th; and the Commons only ſeemed to meet in order to ſend Mr. *Palmer*, Member for *Stamford*, to the *Tower*, for ſome Words, (not particularized in the *Journals*) reflecting on the Declaration, or Remonſtrance, in the Debate on the 22d paſt. This was the Affair of the Proteſtation before mentioned; which thoſe on the other Side complained of, as directly contrary to the Order, Cuſtom, and Privilege of the Houſe of Commons; upon which Mr. *Palmer* was ſent to the *Tower* [r]; but, on his Petition, ſome Days after, was releaſed, and took his Place in the Houſe as formerly. Lord *Clarendon* further informs us, 'That tho' he himſelf was the Perſon who firſt offered this Proteſtation; yet the Northern Members, as Sir *John Hotham*, *Chalmley*, and *Stapylton* reſolved

A Member committed to the *Tower*, for proteſting againſt the Commons Declaration.

[r] On a Diviſion of 169 againſt 128: But a Motion for his being expelled the Houſe paſſed in the Negative, 163 againſt 131. *Commons Journals.*

This Gentleman was Author of the Reports, and appointed Attorney-General after the Reſtoration.

ved to protect him from the Resentment of the House, on account of the great Share he had in contributing to the Suppression of the Court of Lord President of the North; [s] and so it was agreed that Mr. *Palmer* should be the Person they would sacrifice.' [t] An. 17. Car. I. 1641. November.

November 25. The King made his public Entry into *London*, on his Return from *Scotland*; the Pomp and Ceremony of which is amply set forth by all the Historians of those Times.——Sufficient it is for us to say, His Reception is described as such, that all manner of Persons, in the City, seemed to strive who should do him the most Honour. The King returns from *Scotland*.

November 26. This Day the Commons read, a first and second Time, a Bill *For granting a Subsidy to his Majesty, of Tonnage and Poundage, and other Sums of Money, payable upon Merchandize, imported or exported*; and committed it for the next Day.

The Lord Keeper acquainted the Lords, That the King intended to have come to that House, as that Day, but was diverted by some important Business; and was, withall, very hoarse in a Cold; but that he would come in a short Time. A Message from his Majesty, That he had ordered the Parliament's Guard to be dismissed.

His Lordship, also, acquainted the House, That he had received a Command from the King to tell them, 'That his Majesty had heard both Houses had appointed Guards to attend them for their Security, in his Absence, which he presumes they had Reasons for; but now, upon his Return, he hopes his Presence will be a Protection to them: And therefore had ordered the said Guards to be dismissed; but, if there should be any Occasion for it, he would take Care there be sufficient Guards to secure them.'

This Message being communicated to the Commons, the Answer returned, was, 'That House

[s] His Speech on this Occasion, at a Conference with the Lords, *April* 26, 1641, is in our Ninth Volume.

[t] It appears by the *Journals* that Mr. *Hyde* was one of the Tellers in Favour of Mr. *Palmer*.

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desired the Lords to send some few of their Body, to petition the King that the Guards might stay; and, in a Day or two, they would bring up Reasons to satisfy his Majesty about it.'

The next Day the King's Answer to this Petition was delivered to the Lords, importing, 'That he did command the Guards to be dismissed, because he knew no Cause the Parliament had for Fears; but he well perceived the Moleitation that the keeping of them would bring upon those Subjects of his, which were to perform that Service; besides the general Apprehension and Jealousies, which thereby might disquiet all his People. He further expressed, that when the Parliament should desire of him any extraordinary Thing like this, and what appeared of ill Consequence, that they would give him such particular Reasons, as might satisfy his Judgment, if they did expect their Desires to be granted: Yet he was so tender of the Parliament's Safety, that, to secure them, not only from real, but even imaginary Dangers, he had commanded the Earl of *Dorset* to appoint some of the Train'd Bands to wait upon the Parliament for a few Days; in which Time, if he should be satisfied that there was just Reason, he would continue them; and likewise take such a Course for the Safety of his own Person as should be fit, of which, he doubted not, but they had as tender a Care as of their own. This Answer was ordered to be communicated to the Commons at a Conference. Nothing done, of much Consequence, in either House till

Nov. 30, when Mr. *Pymme*, from a Committee, presented the Reasons of both Houses of Parliament for the Continuance of a Guard, which were agreed to, as follows: [p]

The Reasons of both Houses for the Continuance thereof.

'The great Number of disorderly, suspicious, and desperate Persons, especially of the *Irish* Nation, lurking in obscure Allies and Victualling-'Houses,

[p] From the *Commons Journals*: The Copy of them in *Rushworth* differs much.

Houſes, in the Suburbs, and other Places near *London* and *Weſtminſter*. An. 17. Car. I. 1641.

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'The Jealouſy conceived upon Diſcovery of the Deſign in *Scotland*, for the ſurpriſing of the Perſons of divers Nobility and Members of the Parliament there; which had been ſpoken of here ſome Days before it broke out, not without ſome whiſpering Intimation, that the like was intended againſt divers Perſons of both Houſes; which found the more Credit, by reaſon of the former Attempts of bringing up the Army, to diſturb and inforce this Parliament.

'The Conſpiracy in *Ireland*, managed with ſo much Secrecy, that, but for the happy Diſcovery at *Dublin*, it had been executed in all Parts of the Kingdom, upon one and the ſame Day, or ſoon after; and that ſome of the chief Conſpirators did profeſs, that the like Courſe was intended in *England* and *Scotland*; which being found, in ſome Degree, true in *Scotland*, ſeem'd the more probable to be likewiſe deſign'd for *England*.

'Divers Advertiſements beyond the Sea, which came over about the ſame Time, 'That there 'ſhould be a great Alteration of Religion in *Eng-* 'land in a few Days; and that the Necks of both 'the Parliaments ſhould be broken.'

'Divers Examinations, of dangerous Speeches of ſome of the Popiſh and diſcontented Party in this Kingdom.

'The ſecret Meetings and Conſultations of the Papiſts, in ſeveral Parts:—Their frequent Devotions for the Proſperity of ſome great Deſign in hand.

'That theſe ſeveral Conſiderations moved the Parliament to deſire a Guard; which, for the moſt Part, might be under the Command of the Earl of *Eſſex*: And they conceived there was juſt Cauſe to apprehend that there is ſome wicked and miſchievous Practice, to interrupt the peaceable Proceedings of the Parliament, ſtill in hand: For preventing whereof, it was fit the Guard ſhould be continued under the ſame Command, or ſuch other as they ſhould chooſe: But, to have it under Com-

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mand of any other, not chosen by themselves, they could by no means consent to; and would rather run any Hazard, than admit of a Precedent so dangerous, both to this and future Parliaments.

'And they humbly leave it to his Majesty, to consider, whether it be not fit to suffer his High Court of Parliament to enjoy that Privilege of providing for their own Safety, which was never denied to other inferior Courts: And that he would be pleased graciously to believe, that they cannot think themselves safe under any Guard, of which they shall not be assured, that it will be as faithful in defending his Majesty's Safety, as their own; whereof they shall always be more careful, than of their own.

A Bill for the farther Continuance of Tonnage and Poundage.

Mr. Solicitor, *St. John*, was sent up to the Lords with the Bill for granting a Subsidy to his Majesty of Tonnage and Poundage, *&c.* and said, That the House of Commons desired their Lordships would pass the Bill, sent back from them with some Amendments, for securing the Persons of Recusants, with all convenient Speed. The Lords read the former Bill three Times this Day, and passed it; they also concurr'd in the Amendments to the other, which was return'd to the Commons; and then agreed to a Message to be sent to the King at *Hampton-Court*, to acquaint his Majesty, that the last Bill for Tonnage and Poundage expiring To-morrow, a new one had passed both Houses; and to know when he would come and give his Royal Assent to that Bill.

A Committee appointed to wait upon the King, with the Commons Petition, and their Declaration of the State of the Kingdom.

December 1. The Committee of the Commons, appointed to present their Petition and Declaration to the King, were,

Sir *Symonds Dewes*,
Sir *Arthur Ingram*,
Sir *James Thynne*,
Mr. *Henry Bellasys*,
Lord *Grey*,
Sir *Christopher Wray*,
Ferdinando, Lord *Fairfax*,
Sir *Ralph Hopton*,

Sir

Sir *Richard Wynne*, Sir *Edward Dering*, An. 17. Car. I.
Sir *John Corbet*, Sir *Arthur Heſterigge*, 1641.
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Amongſt theſe Sir *Edward Dering*, who had ſo warmly oppoſed the paſſing this Remonſtrance, was appointed, by the Houſe, to read and preſent it to his Majeſty; who being out of the Way [z], Sir *Ralph Hopton* was ordered to do it; who, the next Day, made his Report to the Houſe in what Manner they were received. [a]

Account of their Reception by his Majeſty.

'He ſaid, That the laſt Night, in the Evening, the Committee appointed to attend his Majeſty in that Particular, came to *Hampton-Court*; and Sir *Richard Wynne* (I may name him upon this Occaſion) gave his Majeſty Notice of our being there; and, within a Quarter of an Hour, the King ſent a Gentleman to call us in; with Directions that none ſhould come in but the Committee alone; who did all of them preſent themſelves upon their Knees: And myſelf, in Obedience to the Order of the Houſe, in the Abſence of another deſigned for that Service, did begin to read the Petition, kneeling: But his Majeſty would not permit us to kneel, but commanded us all to riſe; and ſo I read it. The firſt Obſervation his Majeſty made was at that Part of the Petition, that charged a malignant Party with a Deſign to change Religion: To which his Majeſty ſaid, with a great deal of Fervency, *The Devil take him, whomſoever he be, that had a Deſign to change Religion.* I then proceeded; and when I came to that Part of the Petition, for reſerving the Diſpoſal of the Lands of the Rebels in *Ireland*, *&c.* his Majeſty was pleaſed to ſay, *We muſt not diſpoſe of the Bear's Skin till he be dead.* After the Petition was read, his Majeſty deſired to aſk us ſome Queſtions. We anſwered, We had no Commiſſion to ſpeak any Thing concerning this Buſineſs. *Then*, ſaid he, *you may ſpeak as particular Men*; and

[z] Mr. *Ruſhworth* ſays on purpoſe. He has alſo put in Mr. *Pymme*, and ſo made the Committee thirteen; but that Gentleman is not mentioned as one in the *Journals*.

[a] From the *Commons Journals*. In *Ruſhworth*'s Copy there are ſeveral Variations *paſſim*.

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and added, *Doth the House intend to publish this Declaration?* We answered, We could give no Answer unto it. *Well then*, said he, *I suppose you do not now expect an Answer to so long a Petition: And this let me tell you, I have left* Scotland *well. and in Peace; they are all satisfied with me, and I with them; and though I stayed longer there than I expected, yet, I think, if I had not gone, you had not been rid so soon of the Army. I shall give you an Answer to this Business, with as much Speed as the Weightiness of the Business will permit.* And so gave us all his Hand to kiss: And afterwards sent Mr. Comptroller to us with this Message, to be delivered to the House, 'That there might be no publishing of the Declaration till this House had received his Majesty's Answer.'—We were all entertain'd by Mr. Comptroller with great Respect, and lodged by the King's Harbinger.'

Since, from this Petition and Remonstrance, with the King's Answer to them at their Delivery, and from the Declaration he publish'd afterwards to the same Purpose, the Reader will be better enabled to make a Judgment of the Cause of the Civil War that ensued, and the Arguments on both Sides, we have printed them at large. The Length of them may be more easily pardon'd, since they may be justly styled the very Hinge upon which all those Differences happen'd to turn, that, afterwards, came to be decided by the Sword.

And first the PETITION, as follows [a]:

The Petition.

Most Gracious Sovereign,

YOUR Majesty's most humble and faithful Subjects, the Commons in this present Parliament assembled, do, with much Thankfulness and Joy, acknowledge the great Mercy and Favour of God, in giving your Majesty a safe and peaceable Return out of

[a] From the original Edition, printed by *Joseph Hunscutt*, by Order of the House of Commons, and sign'd by *H. Elsinge, Cler. Parl. D. Com.* This is much more correct than the Copy of it in *Rushworth*'s, *Nalson*'s, and *Husbands*'s Collections.

of Scotland *into your Kingdom of* England; *where* An. 17. Car. I. 1641. December.
the preſſing Dangers and Diſtempers of the State have cauſed us, with much Earneſtneſs, to deſire the Comfort of your gracious Preſence, and likewiſe the Unity and Juſtice of your Royal Authority, to give more Life and Power to the dutiful and loyal Counſels and Endeavours of your Parliament, for Prevention of that imminent Ruin and Deſtruction wherewith your Kingdoms of England *and* Scotland *are threatned. The Duty which we owe to your Majeſty and our Country, cannot but make us very ſenſible and apprehenſive, that the Multiplicity, Sharpneſs, and Malignity of thoſe Evils, under which we have now many Years ſuffered, are fomented and cheriſhed by a corrupt and ill-affected Party; who, amongſt other their miſchievous Devices for the Alteration of Religion and Government, have fought, by many falſe Scandals and Imputations, cunningly inſinuated and diſperſed amongſt the People, to blemiſh and diſgrace our Proceedings in this Parliament, and to get themſelves a Party and Faction amongſt your Subjects; for the better ſtrengthening of themſelves in their wicked Courſes, and hindering thoſe Proviſions and Remedies which might, by the Wiſdom of your Majeſty, and Counſel of your Parliament, be oppoſed againſt them.*

For preventing whereof, and the better Information of your Majeſty, your Peers, and all other your loyal Subjects, we have been neceſſitated to make a Declaration of the State of the Kingdom, both before and ſince the Aſſembly of this Parliament, unto this Time; which we do humbly preſent to your Majeſty, without the leaſt Intention to lay any Blemiſh upon your Royal Perſon, but only to repreſent how your Royal Authority and Truſt have been abuſed, to the great Prejudice and Danger of your Majeſty, and of all your good Subjects.

And becauſe we have Reaſon to believe that thoſe malignant Parties, whoſe Proceedings evidently appear to be mainly for the Advantage and Increaſe of Popery, is compoſed, ſet up, and acted by the ſubtle Practice of the Jeſuits, and other Engineers and Factors for Rome; *who, to the great Danger of this Kingdom,*

and

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and most grievous Affliction of your loyal Subjects, have so far prevailed, as to corrupt divers of your Bishops, and others in prime Places of the Church; and also to bring divers of these Instruments to be of your Privy Council, and other Employments of Trust and Nearness about your Majesty, the Prince, and the rest of your Royal Children: And, by this Means, have had such an Operation in your Council and the most important Affairs and Proceedings of your Government, that a most dangerous Division and chargeable Preparation for War betwixt your Kingdoms of England *and* Scotland, *the Increase of Jealousies betwixt your Majesty and your most obedient Subjects, the violent Distraction and Interruption of this Parliament, the Insurrection of the Papists in your Kingdom of* Ireland, *and bloody Massacre of your People there, have been not only endeavoured and attempted, but, in a great Measure, compassed and effected:*

For preventing the final Accomplishment whereof, your poor Subjects are inforced to engage their Persons and Estates to the maintaining of a very expenceful and dangerous War, notwithstanding they have already, since the Beginning of this Parliament, undergone the Charge of 150,000*l. Sterling, or thereabouts, for the necessary Support and Supply of your Majesty in these pressing and perilous Designs.*

And because all our most faithful Endeavours and Engagements will be ineffectual for the Peace, Safety and Preservation of your Majesty and your People, if some present, real, and effectual Course be not taken for suppressing this wicked and malignant Party, we your most humble and obedient Subjects do, with all Faithfulness and Humility, beseech your Majesty,

I. *That you will be graciously pleased to concur with the humble Desires of your People in a Parliamentary Way, for the preserving the Peace and Safety of the Kingdom from the malicious Designs of the Popish Party: For depriving the Bishops of their Votes in Parliament, and abridging their immoderate Power usurped over the Clergy, and other your good Subjects; which they have most perniciously abused, to the*

the Hazard of Religion, and great Prejudice and Oppreſſion of the Laws of the Kingdom, and juſt Liberty of your People: For the taking away ſuch Oppreſſions in Religion, Church-Government, and Diſcipline, as have been brought in and fomented by them: For uniting all ſuch your loyal Subjects together, as join in the ſame fundamental Truths againſt the Papiſts, by removing ſome Oppreſſions and unneceſſary Ceremonies, by which divers weak Conſciences have been ſcrupled, and ſeem to be divided from the reſt: For the due Execution of thoſe good Laws which have been made for ſecuring the Liberty of your Subjects.

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II. *That your Majeſty will, likewiſe, be pleaſed to remove from your Council all ſuch as perſiſt to favour and promote any of thoſe Preſſures and Corruptions, wherewith your People have been grieved; and that, for the future, your Majeſty will vouchſafe to employ ſuch Perſons in your great and public Affairs, and to take ſuch to be near you in Places of Truſt, as your Parliament may have Cauſe to confide in: That, in your princely Goodneſs to your People, you will reject and refuſe all Mediation and Solicitation to the contrary, how powerful and near ſoever.*

III. *That you would be pleaſed to forbear to alienate any of the forfeited and eſcheated Lands in* Ireland, *which ſhall accrue to your Crown by reaſon of this Rebellion; that, out of them, the Crown may be the better ſupported, and ſome Satisfaction made to your Subjects of this Kingdom, for the great Expences they are like to undergo by this War.*

Which humble Deſires of ours being graciouſly fulfilled by your Majeſty, we will, by the Bleſſing and Favour of God, moſt chearfully undergo the Hazard and Expences of this War; apply ourſelves to ſuch other Courſes and Counſels as may ſupport your Royal Eſtate with Honour and Plenty at home, with Power and Reputation abroad; and, by our loyal Affections, Obedience, and Service, lay a ſure and laſting Foundation of the Greatneſs and Proſperity of your Majeſty and your Royal Poſterity in future Times.

The

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The REMONSTRANCE *of the State of the Kingdom presented with the foregoing* PETITION.

The Declaration or Remonstrance.

'THE Commons in this present Parliament assembled, having, with much Earnestness and Faithfulness of Affection, and Zeal to the Public Good of this Kingdom and his Majesty's Honour and Service, for the Space of twelve Months, wrestled with the great Dangers and Fears, the pressing Miseries and Calamities, the various Distempers and Disorders, which had not only assaulted, but even overwhelm'd and extinguish'd the Liberty, Peace, and Prosperity of this Kingdom, the Comfort and Hopes of all his Majesty's good Subjects, and exceedingly weakened and undermined the Foundation and Strength of his own Royal Throne, do yet find an abounding Malignity and Opposition in those Parties and Factions, who have been the Cause of those Evils, and do still labour to cast Aspersions upon that which hath been done; to raise many Difficulties for the Hindrance of that which remains yet undone; and also to foment Jealousies betwixt the King and the Parliament; that so they may deprive him and his People of the Fruit of his own gracious Intentions, and of their humble Desires, of procuring the Public Peace, Safety, and Happiness of this Realm: For the preventing of those miserable Effects, which such malicious Endeavours may produce, we have thought good to declare,

1*st*, 'The Root and the Growth of those mischievous Designs,

2*dly*, 'The Maturity and Ripeness, to which they had attained before the Beginning of the Parliament.

3*dly*, 'The effectual Means which have been used for the Extirpation of those dangerous Evils, and the Progress which hath therein been made by his Majesty's Goodness and the Wisdom of the Parliament.

4*thly*,

4*thly*, 'The Ways of Obſtruction and Oppo- An. 17. Car. I.
'ſition, by which that Progreſs hath been inter- 1641.
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5*thly*, 'The Courſes to be taken for the remo-
'ving thoſe Obſtacles, and for the accompliſhing
'of our moſt dutiful and faithful Intentions and
'Endeavours of reſtoring and eſtabliſhing the an-
'tient Honour, Greatneſs, and Security of this
'Crown and Nation.

'The Root of all this Miſchief we find to be a
'malignant and pernicious Deſign of ſubverting
'the Fundamental Laws and Principles of Govern-
'ment; upon which the Religion and Juſtice of
'this Kingdom are firmly eſtabliſhed.

'The Actors and Promoters hereof have been,

1*ſt*, 'The Jeſuited Papiſts, who hate the Laws,
'as the Obſtacles of that Change and Subverſion
'of Religion, which they ſo much long for.

2*dly*, 'The Biſhops, and the corrupt Part of the
'Clergy, who cheriſh Formality and Superſtition,
'as the natural Effects, and more probable Sup-
'ports, of their own Eccleſiaſtical Tyranny and
'Uſurpation.

3*dly*, 'Such Counſellors and Courtiers as, for
'private Ends, have engaged themſelves to further
'the Intereſts of ſome foreign Princes or States, to
'the Prejudice of his Majeſty and the State at
'home.

'The common Principles by which they mould-
'ed and governed all their particular Counſels and
'Actions, were theſe:

1*ſt*, 'To maintain continual Differences and
'Diſcontents betwixt the King and the People,
'upon Queſtions of Prerogative and Liberty, that
'ſo they might have the Advantage of ſiding with
'him; and, under the Notions of Men addicted
'to his Service, gain to themſelves, and their Par-
'ties, the Places of greateſt Truſt and Power in
'the Kingdom.

2*dly*, 'To ſuppreſs the Purity and Power of Re-
'ligion, and ſuch as were beſt affected to it, as be-
'ing contrary to their own Ends, and the greateſt

'Im-

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'Impediment to that Change which they thought 'to introduce.

3*dly*, 'To conjoin those Parties of the King-'dom who were most propitious to their own Ends, 'and to divide those who were most opposite: 'This consisted in many particular Observations, '*viz.* to cherish the Arminian Party in those Points 'wherein they agree with the Papists; to multiply 'and enlarge the Differences betwixt the common 'Protestants and those whom they call Puritans; 'to introduce and countenance such Opinions and 'Ceremonies as are fittest for an Accommodation 'with Popery; to increase and maintain Igno-'rance, Looseness, and Profaneness in the People; 'that of those three Parties, Papists, Arminians, 'and Libertines, they might compose a Body fit 'to act such Counsels and Resolutions, as were 'most conducible to their own Ends.

4*thly*, 'To disaffect the King to Parliaments by 'Slanders and false Imputations; and, by putting 'him upon other Ways of Supply (which, in 'Shew and Appearance, were fuller of Advantage 'than the ordinary Course of Subsidies, though, in 'Truth, they brought more Loss than Gain both 'to the King and People) have caused the great 'Distractions under which both suffer.

'As in all compounded Bodies, the Operations 'are qualified according to the predominant Ele-'ment; so, in this mix'd Party, the Jesuited Coun-'sels being most active and prevailing, may easily 'be discovered to have had the greatest Sway in all 'their Determinations; and, if they be not pre-'vented, are likely to devour the rest, or to turn 'them into their own Nature.

'In the Beginning of his Majesty's Reign, the 'Party begun to revive and flourish again, having 'been somewhat damp'd by the Breach with *Spain* 'in the last Year of King *James*, and by his Ma-'jesty's Marriage with *France*; (the Interests and 'Councils of that State being not so contrary to the 'Good of Religion and the Prosperity of this King-'dom, as those of *Spain*; and the Papists of *Eng-*

'*land*

'*land* having been ever more addicted to *Spain* than '*France*) yet they ſtill retained a Purpoſe and Re- 'ſolution to weaken the Proteſtant Parties in all 'Parts, and even in *France*; thereby to make 'Way for the Change of Religion which they in- 'tended at home. An. 17. Car. I. 1641. December.

'The firſt Effect and Evidence of their Reco- 'very and Strength was, the Diſſolution of the 'Parliament at *Oxford*, after there had been given 'two Subſidies to his Majeſty; and before they re- 'ceived Relief in any one Grievance, many other 'more miſerable Effects followed [m]:

'The Loſs of the *Rochel* Fleet, by the Help of 'our Shipping ſet forth and delivered over to the '*French*, in Oppoſition to the Advice of Parlia- 'ment; which left that Town without Defence 'by Sea, and made Way not only to the Loſs of 'that important Place, but likewiſe to the Loſs of 'all the Strength and Security of the Proteſtant 'Religion in *France*.

'The Diverting of his Majeſty's Courſe of Wars 'from the *Weſt-Indies*, which was the moſt facile 'and hopeful Way for this Kingdom to prevail a- 'gainſt the *Spaniard*, to an expenceful and ſucceſ- 'leſs Attempt upon *Cadiz*; which was ſo ordered, 'as if it had rather been intended to make us weary 'of War, than to proſper in it.

'The precipitate Breach with *France*, and ta- 'king their Ships to a great Value; whereupon 'the *Engliſh* Subjects Goods were embargoed and 'confiſcated in that Kingdom, without having any 'Recompence made them.

'The Peace with *Spain* without Conſent of 'Parliament, contrary to the Promiſe of King '*James* to both Houſes; whereby the *Palatine*'s 'Cauſe was deſerted, and left to chargeable and 'hopeleſs

[m] The ſeveral Grievances, and other Facts, here recited in this Remonſtrance, and the Conceſſions on the Part of the King, appealed to in his Majeſty's Anſwer and Declaration, may be found in our Sixth, Seventh, Eighth, and Ninth Volumes *paſſim*. To refer to each Particular would, in a Manner, be a Reference to every Page of thoſe Volumes.

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'hopeleſs Treaties; which, for the moſt Part, 'were managed by thoſe who might juſtly be ſu- 'ſpected to be no Friends to that Cauſe.

'The charging of the Kingdom with billeted 'Soldiers in all Parts of it, and that concomitant 'Deſign of *German* Horſe; that the Land might 'either ſubmit with Fear, or be enforced with 'Rigour, to ſuch arbitrary Contributions as ſhould 'be required of them.

'The Diſſolving of the Parliament, in the ſe- 'cond Year of his Majeſty's Reign, after a De- 'claration of their Intent to grant five Subſidies.

'The Exacting of the like Proportion of five 'Subſidies, after the Parliament was diſſolved, by 'Commiſſion of Loan; and divers Gentlemen 'and others impriſoned for not yielding to pay that 'Loan; whereby many of them contracted ſuch 'Sickneſs as coſt them their Lives. Great Sums 'of Money required and raiſed by Privy-Seals. 'An unjuſt and pernicious Attempt to extort great 'Payments from the Subjects, by way of Exciſe; 'and a Commiſſion iſſued, under Seal, for that 'Purpoſe.

'The Petition-of-Right which was granted in 'full Parliament, blaſted with an illegal Declara- 'tion, to make it deſtructive to itſelf, to the Power 'of Parliament, to the Liberty of the Subject, and 'to that Purpoſe printed with it; and the Petition 'made of no Uſe but to ſhew the bold and pre- 'ſumptuous Injuſtice of ſuch Miniſters as durſt 'break the Laws, and ſuppreſs the Liberties of the 'Kingdom, after they had been ſo ſolemnly and 'evidently declared.

'Another Parliament diſſolv'd 4. *Caroli*; the 'Privileges of Parliament broken, by impriſoning 'divers Members of the Houſe, detaining them 'cloſe Priſoners for many Months together, with- 'out the Liberty of uſing Books, Pen, Ink, or 'Paper; denying them all the Comforts of Life, 'all Means of Preſervation of Health, not permit- 'ting their Wives to come unto them, even in 'Time of their Sickneſs: And, for the compleating

'of

'of that Cruelty, after Years spent in such miserable Durance, depriving them of the necessary Means of Spiritual Consolation, not suffering them to go abroad to enjoy God's Ordinances, in God's House, or God's Ministers to come to them, to administer Comfort unto them in their private Chambers; and, to keep them still in this oppressed Condition, not admitting them to be bailed according to Law, yet vexing them with Informations in inferior Courts; sentencing and fining some of them for Matters done in Parliament, and extorting the Payments of those Fines from them; enforcing others to put in Security for good Behaviour, before they could be released. The Imprisonment of the rest, who refused to be bound, still continued, (which might have been perpetual, if Necessity had not, the last Year, brought another Parliament to relieve them) of whom one [z] died by the Cruelty and Harshness of his Imprisonment; which would admit of no Relaxation, notwithstanding the imminent Danger of his Life did sufficiently appear by the Declaration of his Physician: And his Release, or at least his Refreshment, was sought by many humble Petitions. And his Blood still cries for Vengeance, or Repentance of those Ministers of State, who, at once, obstructed the Course both of his Majesty's Justice and Mercy.

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'Upon the Dissolution of both these Parliaments, untrue and scandalous Declarations were published, to asperse their Proceedings, and some of their Members; unjustly to make them odious, and colour the Violence which was used against them, Proclamations were set out, to the great Dejecting of the Hearts of the People, forbidding them even to speak of Parliaments.

'After the Breach of Parliament, in the fourth Year of his Majesty, Injustice, Oppression, and Violence broke in upon us, without any Restraint or Moderation; and yet the first Project, was the great

z Sir *John Elliot*.

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'Sums exacted thro' the whole Kingdom, for Default of Knighthood, which seemed to have some Colour and Shadow of Law; yet, if it be rightly examined by that obsolete Law which was pretended for it, it will be found to be against all the Rules of Justice, both in respect of the Persons charged, the Proportion of the Fines demanded, and the absurd and unreasonable Manner of their Proceedings.

'Tonnage and Poundage hath been received without Colour or Pretence of Law; many other heavy Impositions continued against Law; and some so unreasonable, that the Sum of the Charge exceeds the Value of the Goods. The Book of Rates lately enhanced to a high Proportion; and such Merchants, as would not submit to their illegal and unreasonable Payments, were vexed and oppressed above Measure; and the ordinary Course of Justice, the common Birth-right of the Subjects of *England*, wholly obstructed unto them. And although all this was taken upon Pretence of guarding the Sea, yet a new and unheard-of Tax of Ship-Money was devised, upon the same Pretence. By both which there was charged upon the Subject near 700,000*l.* some Years; and yet the Merchants have been left so naked to the Violence of the *Turkish* Pirates, that many great Ships of Value, and thousands of his Majesty's Subjects, have been taken by them, and do still remain in miserable Slavery.

'The Enlargement of Forests, contrary to *Charta de Foresta*, and the Composition thereupon: The Exactions of Coat and Conduct-Money, and divers other Military Charges: The taking away the Arms of the Train'd Bands of divers Counties: The desperate Design of ingrossing all the Gun-Powder into one Hand, keeping it in the *Tower* of *London*, and setting so high a Rate upon it, that the poorer Sort were not able to buy it, nor could any have it without License; thereby to leave the several Parts of the Kingdom

'destitute

'destitute of their neceſſary Defence; and, by 'ſelling ſo dear that which was ſold, to make an 'unlawful Advantage of it, to the great Charge 'and Detriment of the Subject: The general De- 'ſtruction of the King's Timber, eſpecially that in 'the Foreſt of *Dean*, ſold to Papiſts; which was 'the beſt Store-houſe of this Kingdom for the 'Maintenance of our Shipping: The taking away 'of Men's Right, under Colour of the King's 'Title to Land between High and Low Water- 'Marks: The Monopolies of Soap, Salt, Wine, 'Leather, Sea-Coal, and, in a Manner, of all 'Things of moſt common and neceſſary Uſe: 'The Reſtraint of the Liberties of the Subjects in 'their Habitations, Trades, and other Intereſts: 'Their Vexation and Oppreſſion by Purveyors, 'Clerks of the Market, and Salt-petre Men: The 'Sale of pretended Nuſances, as Buildings in and 'about *London:* Converſion of Arable into Paſture, 'and Continuance of Paſture, hath, under the Name 'of Depopulation, drawn many Millions out of 'the Subjects Purſes, without any conſiderable Pro- 'fit to his Majeſty. Large Quantities of Com- 'mon, and ſeveral Grounds, have been taken from 'the Subject, by Colour of the Statute of Improve- 'ment, and by Abuſe of the Commiſſion of Sew- 'ers, without their Conſent, and againſt it.

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'Not only private Intereſt, but alſo public Faith 'hath been broken, in ſeizing of the Money and 'Bullion in the Mint; and the whole Kingdom 'like to be robbed at once, in that abominable Pro- 'ject of Braſs Money. Great Numbers of his 'Majeſty's Subjects, for refuſing thoſe unlawful 'Charges, have been vex'd with long and expenſive 'Suits; ſome fined and cenſured; others commit- 'ted to long and hard Impriſonments and Confine- 'ments, to the Loſs of Health in many, of Life in 'ſome; and others have had their Houſes broken 'open, and their Goods ſeized; ſome have been 'reſtrained from their lawful Callings; Ships have 'been interrupted in their Voyages, ſurprized at 'Sea, in a hoſtile Manner, by Projectors, as by a

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'common Enemy; Merchants prohibited to unlade their Goods in such Ports as were for their 'own Advantage, and forced to bring them to those Places which were most for the Advantage 'of the Monopolizers and Projectors.

'The Court of Star-Chamber hath abounded in 'extravagant Censures, not only for the Maintenance and Improvement of Monopolies, and other 'unlawful Taxes, but for divers other Causes, where 'there hath been no Offence, or very small; whereby his Majesty's Subjects have been oppress'd by 'grievous Fines, Imprisonments, Stigmatizings, 'Mutilations, Whippings, Pillories, Gags, Confinements, and Banishments, after so rigid a Manner, as hath not only deprived Men of the Society 'of their Friends, Exercise of their Professions, 'Comfort of Books, Use of Paper and Ink, but 'even violated that near Union which God hath 'established betwixt Men and their Wives, by forced and constrained Separation; whereby they 'have been bereaved of the Comfort and Conversation one of another, for many Years together, 'without hope of Relief; if God had not, by his 'over-ruling Providence, given some Interruption 'to the prevailing Power and Counsel of those, 'who were the Authors and Promoters of such 'peremptory and heady Courses.

'Judges have been put out of their Places, for 'refusing to act against their Oaths and Consciences; 'others have been so awed that they durst not do 'their Duties; and, the better to hold a Rod over 'them, the Clause, *Quamdiu se bene gesserit*, was 'left out of their Patents, and a new Clause, *Durante Beneplacito*, inserted. Lawyers have been 'check'd for being faithful to their Clients: Solicitors and Attornies have been threatened, and 'some punished, for following lawful Suits: And, 'by this Means, all the Approaches to Justice 'were interrupted and forecluded.

'New Oaths have been forced upon the Subject 'against Law; new Judicatories erected without 'Law. The Council-Table have, by their Orders,

'offered

'offered to bind the Subjects in their Freeholds, An. 17. Car. I.
'Estates, Suits, and Actions. 1641.

'The pretended Court of the Earl Marshal was December.
'arbitrary, and illegal, in its Being and Proceed-
'ings. The Chancery, Exchequer-Chamber,
'Court of Wards, and other *English* Courts, have
'been grievous, in exceeding their Jurisdiction.
'The Estate of many Families weakened, and some
'ruined, by excessive Fines exacted from them for
'Compositions of Wardships. All Leases of above
'an hundred Years made to draw on Wardship,
'contrary to Law. Undue Proceedings used in
'finding of Offices, to make the Jury find for the
'King. The Common-Law Courts, seeing all
'Men more inclined to seek Justice where it
'may be fitted to their own Desire, are known fre-
'quently to forsake the Rules of the Common-Law,
'and, straining beyond their Bounds, under Pre-
'tence of Equity, to do Injustice. Titles of Ho-
'nour, judicial Places, Serjeantships at Law, and
'other Offices have been sold for great Sums of
'Money; whereby the common Justice of the
'Kingdom hath been much endangered, not only
'by opening a Way of Employment, in Places of
'great Trust and Advantage, to Men of weak
'Parts, but also by giving Occasion to Bribery,
'Extortion, and Partiality, it seldom happening
'that Places ill gotten are well used; Commis-
'sions have been granted for examining the Excess
'of Fees; and, when great Exactions have been
'discovered, Compositions have been made with
'Delinquents, not only for the Time past, but
'likewise for Immunity and Security in offending
'for the Time to come; which, under Colour of
'Remedy, hath but confirmed and increased the
'Grievance to the Subject. The usual Course of
'pricking Sheriffs not observed; but many Times
'Sheriffs made in an extraordinary Way; sometimes
'as a Punishment and Charge unto them; some-
'times such were pricked out, as would be Instru-
'ments to execute whatsoever they would have to
'be done.

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'The Bishops and the rest of the Clergy did triumph in the Suspensions, Excommunications, 'Deprivations and Degradations, of divers painful, 'learned, and pious Ministers, and in the Vexation 'and grievous Oppression of great Numbers of his 'Majesty's good Subjects. The High Commission 'grew to such Excess of Sharpness and Severity, as 'was not much less than the Romish Inquisition; 'and yet, in many Cases, by the Archbishop's 'Power [1], was made much more heavy, being 'assisted and strengthened by Authority of the 'Council-Table.

'The Bishops, and their Courts, were as eager 'in the Country; and although their Jurisdiction 'could not reach so high in Rigour and Extremity 'of Punishment, yet were they no less grievous, in 'respect of the Generality and Multiplicity of Vexations; which lighting upon the meaner Sort of 'Tradesmen and Artificers, did impoverish many 'Thousands, and so afflict and trouble others, that 'great Numbers, to avoid their Miseries, departed 'out of the Kingdom; some into *New-England*, 'and other Parts of *America*; others into *Holland*, 'where they have transported their Manufactures of 'Cloth; which is not only a Loss, by diminishing 'the present Stock of the Kingdom, but a great 'Mischief, by impairing and endangering the Loss 'of that peculiar Trade of Cloathing, which hath 'been a plentiful Fountain of Wealth and Honour to this Nation. Those were fittest for Ecclesiastical Preferment, and soonest obtained it, 'who were most officious in promoting Superstition; 'most virulent in railing against Godliness and Honesty.

'The most public and solemn Sermons before 'his Majesty, were either to advance Prerogative 'above Law, and decry the Property of the Subject; 'or full of such kind of Invectives, whereby they 'might make those odious, who sought to maintain the Religion, Laws, and Liberties of the 'King-

[1] Dr. *Laud*, Archbishop of *Canterbury*.

'Kingdom; and such Men were sure to be weeded An. 17. Car I.
'out of the Commission of the Peace, and out of 1641.
'all other Employments of Power in the Govern- December.
'ment of the Country. Many Noble Personages
'were Counsellors in Name; but the Power and
'Authority remained in a few of such as were most
'addicted to this Party; whose Resolutions and
'Determinations were brought to the Table for
'Countenance and Execution, not for Debate
'and Deliberation; and no Man could offer to op-
'pose them without Disgrace and Hazard to him-
'self: Nay, all those that did not wholly concur,
'and actively contribute to the Furtherance of their
'Designs, though otherwise Persons of ever so
'great Honour and Abilities, were so far from be-
'ing employed in any Place of Trust and Power,
'that they were neglected, discountenanced, and,
'upon all Occasions, injur'd and oppressed. This
'Faction was grown to that Height and Intire-
'ness of Power, that now they began to think of
'finishing their Work, which consisted of these
'three Parts:

1. 'The Government must be set free from all
'Restraint of Laws, concerning our Persons and
'Estates.

2. 'There must be a Conjunction betwixt Pa-
'pists and Protestants, in Doctrine, Discipline,
'and Ceremonies; only it must not yet be called
'Popery.

3. 'The Puritans (under which Name they in-
'clude all those that desire to preserve the Laws and
'Liberties of the Kingdom, and to maintain Re-
'ligion in the Power of it) must be either rooted
'out of the Kingdom with Force, or driven out
'with Fear. For the effecting of this, it was
'thought necessary to reduce *Scotland* to such Po-
'pish Superstitions and Innovations, as might make
'them apt to join with *England* in that great
'Change which was intended: Whereupon new
'Canons and a new Liturgy were press'd upon
'them; and, when they refused to admit of them,

'an

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'an Army was raiſed to force them to it; towards 'which the Clergy and the Papiſts were very for-'ward in their Contribution. The *Scots* likewiſe 'raiſed an Army for their Defence; and when both 'Armies were come together, and ready for a 'bloody Encounter, his Majeſty's own gracious 'Diſpoſition, and the Counſel of the *Engliſh* No-'bility and dutiful Submiſſion of the *Scots*, did ſo 'far prevail againſt the evil Counſel of others, that 'a Pacification was made, and his Majeſty returned 'with Peace and much Honour to *London*.

'This unexpected Reconciliation was moſt ac-'ceptable to all the Kingdom, except to the ma-'lignant Party, whereof the Archbiſhop and the 'Earl of *Strafford* being Heads, they and their Fac-'tion began to inveigh againſt the Peace, and to 'aggravate the Proceedings of the States; which ſo 'incenſed his Majeſty, that he forthwith prepared 'again for War. And ſuch was their Confidence, 'that, having corrupted and diſtempered the whole 'Frame and Government of the Kingdom, they 'did now hope to corrupt that which was the only 'Means to reſtore all to a right Frame and Temper 'again; to which End they perſuaded his Majeſty 'to call a Parliament, not to ſeek Counſel and Ad-'vice of them, but to draw Countenance and Sup-'ply from them, and engage the whole Kingdom 'in their Quarrel; and, in the mean Time, conti-'nued all their unjuſt Levies of Money, reſolving 'either to make the Parliament pliant to their Will, 'and to eſtabliſh Miſchief by a Law, or elſe to 'break it; and, with more Colour, to go on by 'Violence to take what they could not obtain by 'Conſent.

'The Ground alledged for the Juſtification of 'this War was this, That the undutiful Demand 'of the Parliament of *Scotland* was a ſufficient Rea-'ſon for his Majeſty to take Arms againſt them, 'without hearing the Reaſon of thoſe Demands: 'And thereupon a new Army was prepared againſt 'them; their Ships were ſeized in all Ports both of

'*England*

'*England* and *Ireland*, and at Sea; their Petitions rejected; and their Commissioners refused Audience. An. 17. Car. I. 1641. December.

'This whole Kingdom being most miserably distemper'd with Levies of Men and Money, and Imprisonments of those who denied to submit to those Levies, the Earl of *Strafford* passed into *Ireland*, caused the Parliament there to declare against the *Scots*, to give four Subsidies towards that War, and to engage themselves, their Lives, and Fortunes, for the Prosecution of it; and gave Directions for an Army of 8000 Foot and 1000 Horse to be levied there, which were for the most part Papists.

'The Parliament met upon the 13th Day of *April*, 1640. The Earl of *Strafford* and Archbishop of *Canterbury*, with their Party, so prevailed with his Majesty, that the House of Commons were press'd to yield a Supply for the Maintenance of the War with *Scotland*, before they had provided any Relief for the great and pressing Grievances of the People; which being against the Fundamental Privilege and Proceeding of Parliament, was yet, in humble Respect to his Majesty, so far admitted, as that they agreed to take the Matter of Supply into Consideration; and two several Days it was debated, (twelve Subsidies being demanded for the Release of Ship-Money alone) and a third Day was appointed for Conclusion; when the Heads of that Party began to fear the People might close with the King in satisfying his Desire of Money; but that withall they were like to blast their malicious Designs against *Scotland*, finding them very much indispos'd to give any Countenance to that War: Thereupon they wickedly advised the King to break off the Parliament, and to return to the Ways of Confusion; in which their own evil Intentions were most like to prosper and succeed.

'After the Parliament ended, *May* 5, 1640, this Party grew so bold as to counsel the King to

'supply

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'ſupply himſelf out of his Subjects Eſtates by his 'own Power, at his own Will, without their Con- 'ſent. The very next Day ſome Members of 'both Houſes had their Studies and Cabinets, yea 'their Pockets, ſearched; another of them, not 'long after, was committed cloſe Priſoner, for 'not delivering ſome Petitions which he had recei- 'ved by Authority of that Houſe; and if narſher 'Courſes were intended, as was reported, it is very 'probable that the Sickneſs of the Earl of *Strafford*, 'and the tumultuous Riſing in *Southwark*, and 'about *Lambeth*, were the Cauſes that ſuch violent 'Intentions were not brought to Execution.

'A falſe and ſcandalous Declaration againſt the 'Houſe of Commons was publiſhed in his Maje- 'ſty's Name; which yet wrought little Effect with 'the People, but only to manifeſt the Impudence 'of thoſe who were the Authors of it.

'A forced Loan of Money was attempted in the 'City of *London*, and the Lord Mayor and Al- 'dermen in their ſeveral Wards, enjoined to bring 'in a Liſt of the Names of ſuch Perſons as they 'judged fit to lend, and of the Sum they ſhould 'lend; and ſuch Aldermen as refuſed ſo to do, were 'committed to Priſon.

'The Archbiſhop, and the other Biſhops and 'Clergy, continued the Convocation, and, by a 'new Commiſſion, turn'd it into a Provincial Sy- 'nod; in which, by an unheard-of Preſumption, 'they made Canons, that contain in them many 'Matters contrary to the King's Prerogative, to 'the Fundamental Laws and Statutes of the Realm, 'to the Right of Parliaments, to the Property and 'Liberty of the Subject; and Matters tending to 'Sedition, and of dangerous Conſequence; there- 'by eſtabliſhing their own Uſurpations, juſtifying 'their Altar-Worſhip, and thoſe other ſuperſtitious 'Innovations, which they formerly introduced 'without Warrant of Law.

'They impoſed a new Oath upon divers of his 'Majeſty's Subjects, both Eccleſiaſtical and Lay,

'for

'for Maintenance of their own Tyranny; laid a great Tax upon the Clergy for Supply of his Majesty; and, generally, they shewed themselves very affectionate to the War with *Scotland*, which was, by some of them, styled *Bellum Episcopale*; they composed a Prayer, and enjoin'd it to be read in all Churches, calling the *Scots*, Rebels, to put the two Nations into Blood, and make them irreconcilable. All these pretended Canons and Constitutions were armed with the several Censures of Suspension, Excommunication, and Deprivation; by which they would have thrust out all the good Ministers, and most of the well-affected People of the Kingdom, and left an easy Passage to their own Design of Reconciliation with *Rome*.

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'The Popish Party enjoyed such Exemption from the Penal Laws, as amounted to a Toleration, besides many other Encouragements and Court Favours. They had a Secretary of State, Sir *Francis Windebank*, a powerful Agent for the Speeding of all their Desires; and a Pope's Nuncio residing here, to act and govern them according to such Instructions as he received from *Rome*, and to intercede for them with the most powerful Concurrence of the foreign Princes of that Religion; by whose Authority the Papists of all Sorts, Nobility, Gentry, and Clergy, were convocated after the Manner of a Parliament; new Jurisdictions were erected of *Romish* Archbishops; Taxes levied; another State moulded within this State, independent in Government, contrary in Interest and Affection, secretly corrupting the ignorant or negligent Professors of our Religion, and closely uniting and combining themselves against such as were found; in this Posture waiting for an Opportunity, by Force, to destroy those whom they could not hope to seduce. For the effecting whereof, they were strengthened with Arms and Munition, and encouraged by superstitious Prayers, enjoined by the Nuncio to be weekly made for the Prosperity of some great Design. And such Power had they at Court, that, secretly, a Commission

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'mission was intended to be issued to some great 'Men of that Profession, for the levying of Soldiers, 'and to command and employ them according to 'private Instructions; which we doubt were framed 'for the Advantage of those who were the Contri- 'vers of them.

'His Majesty's Treasure was consumed; his Re- 'venue anticipated; his Servants and Officers com- 'pelled to lend great Sums of Money; Multitudes 'were called to the Council-Table, who were tired 'with long Attendances there, for refusing illegal 'Payments; the Prisons were filled with their 'Commitments; many of the sheriffs summoned 'into the Star-Chamber, and some imprisoned for 'not being quick enough in levying the Ship-Mo- 'ney; the People languished under Grief and Fear, 'no visible Hope being left, but in Desperation; 'the Nobility beginning to be weary of their Silence 'and Patience, and sensible of the Duty and Trust 'which belongs to them, some of the most emi- 'nent of them did thereupon petition his Majesty, 'at such a Time when evil Counsels were so strong, 'that they had reason to expect more Hazard to 'themselves, than Redress of those public Evils 'for which they interceded.

'Whilst the Kingdom was in this Agitation and 'Distemper, the *Scots* (restrained in their Trades, 'impoverished by the Loss of many of their Ships, 'and bereaved of all Possibility of satisfying his Ma- 'jesty by any naked Supplication) entered with a 'powerful Army into the Kingdom; and, without 'any hostile Act or Spoil in the Country as they 'passed, more than forcing a Passage over the *Tyne* 'at *Newburn*, near *Newcastle*, possessed themselves 'of *Newcastle*, and had a fair Opportunity to press 'further upon the King's Army; but Duty and Re- 'verence to his Majesty, and brotherly Love to the '*English* Nation, made them stay there; whereby 'the King had Leisure to entertain better Counsel; 'wherein God so blessed and directed him, that he 'summoned the great Council of Peers to meet at '*York*, upon the 24th of *September*, and there de-

declared

'clared a Parliament to begin the third of *November* then following. An. 17. Car. I. 1641.

'The *Scots*, the firſt Day of the great Council, 'preſented an humble Petition to his Majeſty, 'whereupon the Treaty was appointed at *Rippon*; 'a preſent Ceſſation of Arms agreed upon; and 'a full Concluſion of all Differences referred to the 'Wiſdom and Care of the Parliament. December.

'At our firſt Meeting all Oppoſitions ſeem'd to 'vaniſh, the Miſchiefs were ſo evident, which thoſe 'evil Counſellors produced, that no Man durſt 'ſtand up to defend them; yet the Work itſelf af-'forded Difficulty enough. The multiplied Evils, 'and Corruption of ſixteen Years, ſtrengthened by 'Cuſtom and Authority, and the concurrent Inte-'reſt of many powerful Delinquents, were now to 'be brought to Judgment and Reformation. The 'King's Houſhold was to be provided for, they ha-'ving brought him to that Want, that he could 'not ſupply his ordinary and neceſſary Expences, 'without the Aſſiſtance of his People. Two Ar-'mies were to be paid, which amounted very near 'to 80,000 *l.* a Month; and the People were to be 'tenderly charged, having been formerly exhauſted 'with many burthenſome Projects.

'The Difficulties ſeemed to be inſuperable; 'which, by the Divine Providence, we have over-'come: The Contrarieties incompatible; which 'yet, in a great Meaſure, we have reconciled. Six 'Subſidies have been granted; and a Bill of Poll-'Money, which, if it be duly levied, may equal Six 'Subſidies more; in all 600,000 *l.* Beſides, we 'have contracted a Debt to the *Scots* of 220,000 *l.* 'and yet God hath ſo bleſſed the Endeavours of 'this Parliament, that the Kindom is a great Gain-'er by all theſe Charges. The Ship-Money is abo-'liſhed; which coſt the Kingdom above 200,000 *l.* 'a-year: The Coat and Conduct-Money, and other 'military Charges, are taken away; which, in ma-'ny Counties, amounted to little leſs than the Ship-'Money: The Monopolies are all ſuppreſs'd; 'whereof ſome few did prejudice the Subject above

'a Million

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'a Million yearly; the Soap, 100,000 *l.* the Wine, '300,000 *l.* the Leather muſt needs exceed both; 'and Salt could be no leſs than that; beſides the 'inferior Monopolies, which, if they could be ex-'actly computed, would make up a great Sum.

'That which is more beneficial than all this, is, 'That the Root of theſe Evils is taken away; which 'was the arbitrary Power pretended to be in his 'Majeſty, of taxing the Subjects, or charging their 'Eſtates, without Conſent of Parliament; which is 'now declared to be againſt Law, by the Judgment 'of both Houſes, and likewiſe by an Act of Par-'liament.

'Another Step of great Advantage is this, The 'living Grievances, the evil Counſellors and Actors 'of theſe Miſchiefs, have been ſo quelled by the 'Juſtice done upon the Earl of *Strafford*; the Flight 'of the Lord *Finch* and Secretary *Windebank*; the 'Accuſation and Impriſonment of the Archbiſhop 'of *Canterbury* and Judge *Berkeley*; and the Im-'peachment of divers other Biſhops and Judges, 'that it is like not only to be an Eaſe to the preſent 'Times, but a Preſervation to the future.

'The Diſcontinuance of Parliaments is prevent-'ed by the Bill for a Triennial Parliament; and the 'abrupt Diſſolution of this Parliament by another 'Bill, by which it is provided, It ſhall not be diſ-'ſolved or adjourned without the Conſent of both 'Houſes. Theſe two Laws well conſidered, may 'be thought more advantageous than all the former, 'becauſe they ſecure a full Operation of the preſent 'Remedy, and afford a perpetual Spring of Reme-'dies for the future.

'The Star-Chamber, the High Commiſſion, the 'Courts of Preſident and Council in the North, 'which were ſo many Forges of Miſery, Oppreſſion, 'and Violence, are all taken away; whereby Men 'are more ſecured in their Perſons, Liberties, and 'Eſtates, than they could be by any Law or Ex-'ample for the Regulation of thoſe Courts, or Ter-'ror of the Judges. The immoderate Power of 'the Council-Table, and the exceſſive Abuſe of

'that

'that Power is so ordered and restrained, that we 'may well hope no such Things as were frequently 'done by them, to the Prejudice of the Public Li- 'berty, will appear in future Times, but only in 'Stories; to give us, and our Posterity, more Oc- 'casion to praise God for his Majesty's Goodness, 'and the faithful Endeavours of this Parliament. An. 17. Car. I. 1641. December.

'The Canons, and the Power of Canon-making, 'are blasted by the Vote of both Houses: The ex- 'orbitant Power of Bishops, and their Courts, are 'much abated by some Provisions in the Bill against 'the High Commission-Court. The Authors of 'the many Innovations in Doctrine and Ceremo- 'nies, and the Ministers that have been scanda- 'lous in their Lives, have been so terrified by just 'Complaints and Accusations, that we may well 'hope they will be more modest for the Time to 'come; being either inwardly convicted by the 'Sight of their own Folly, or outwardly restrained 'by the Fear of Punishment.

'The Forests are, by a good Law, reduced to 'their right Bounds. The Encroachments and 'Oppressions of the Stannary Courts; the Extor- 'tions of the Clerk of the Market; and the Com- 'pulsion of the Subject to receive the Order of 'Knighthood against his Will, paying of Fines for 'not receiving it, and the vexatious Proceedings 'thereupon for levying of those Fines, are, by other 'beneficial Laws, reformed and prevented.

'Many excellent Laws and Provisions are in 'Preparation for removing the inordinate Power, 'Vexation, and Usurpation of Bishops; for re- 'forming the Pride and Idleness of many of the 'Clergy; for easing the People of unnecessary Ce- 'remonies in Religion; for censuring and remo- 'ving unworthy and unprofitable Ministers; and 'for maintaining godly and diligent Preachers thro' 'the Kingdom.

'Other Things, of main Importance for the 'Good of this Kingdom, are in Proposition, (tho' 'little could hitherto be done, in regard of the 'many other pressing Businesses; which yet, before

'the

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'the End of this Seſſion, we hope may receive 'ſome Progreſs and Perfection) as the eſtabliſhing 'and ordering the King's Revenue, that ſo the 'Abuſe of Officers, and Superfluity of Expences 'may be cut off; and the neceſſary Diſburſements 'for his Majeſty's Honour, the Defence and Go-'vernment of the Kingdom, may be more certainly 'provided for; the regulating of Courts of Juſtice, 'and abridging both the Delays and Charges of 'Law-Suits; the ſetling of ſome good Courſes 'for preventing the Exportation of Gold and Sil-'ver, and the Inequality of Exchanges betwixt us 'and other Nations, for the advancing of native 'Commodities, Increaſe of our Manufactures, and 'well-balancing of Trade; whereby the Stock of 'the Kingdom may be increaſed, or, at leaſt, kept 'from impairing, as, thro' Neglect hereof, it hath 'done for many Years laſt paſt; for improving the 'Herring Fiſhing upon our own Coaſts; which 'will be of mighty Uſe in the Employment of the 'Poor, and a plentiful Nurſery of Mariners for 'enabling the Kingdom in any great Action.

'The Oppoſitions, Obſtructions, and other Dif-'ficulties wherewith we have been encountered, 'and which ſtill lie in our Way with ſome Strength 'and much Obſtinacy, are theſe; The malignant 'Party, whom we have formerly deſcribed to be 'the Actors and Promoters of all our Miſery, they 'have taken great Heart again; and have been able 'to prefer ſome of their own Factors and Agents 'to Degrees of Honour, to Places of Truſt and 'Employment, even during the Parliament: They 'have endeavoured to work in his Majeſty ill Im-'preſſions and Opinions of our Proceedings, as if 'we had altogether done our own Work, and not 'his; and had obtained from him many Things 'very prejudicial to the Crown, both in reſpect of 'Prerogative and Profit.

'To wipe out the firſt Part of this Slander, we 'think good only to ſay thus much, That all that 'we have done is for his Majeſty, his Greatneſs, 'Honour, and Support. When we yielded to give

25,000*l.*

'25,000 *l.* a Month for the Relief of the Northern Counties, this was given to the King; for he was bound to protect his Subjects. They were his Majesty's evil Counsellors, and their ill Instruments, that were Actors in those Grievances which brought in the *Scots*: And if his Majesty please to force those who were the Authors of this War to make Satisfaction, as he might justly and easily do, it seems very reasonable that the People might well be excused from taking upon them this Burden, being altogether innocent, and free from being any Causes of it. When we undertook the Charge of the Army, which cost above 50,000 *l.* a Month, was not this given to the King? Was it not his Majesty's Army? Were not all the Commanders under Contract with his Majesty, at higher Rates and greater Wages than ordinary? And have not we taken upon us to discharge all the Brotherly Assistance of 300,000 *l.* which we gave the *Scots*? Was it not towards Repair of those Damages and Losses which they received from the King's Ships, and from his Ministers? These three Particulars amount to above 1,100,000 *l.* Besides, his Majesty hath received, by Impositions upon Merchandize, at least 400,000 *l.* so that his Majesty hath had out of the Subjects Purse, since the Parliament began, one Million and a half; and yet these Men can be so impudent as to tell his Majesty, that we have done nothing for him.

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'As to the second Branch of this Slander: We acknowledge, with much Thankfulness, that his Majesty hath passed more good Bills to the Advantage of the Subjects, than have been in many Ages; but withall we cannot forget, that these venomous Counsels did manifest themselves, in some Endeavours, to hinder these good Acts. And, for both Houses of Parliament, we may, with Truth and Modesty, say thus much, That we have ever been careful not to desire any thing that should weaken the Crown, either in just Profit or useful Power.

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'The Triennial Parliament, for the Matter of it, doth not extend to ſo much as, by Law, we ought to have required; there being two Statutes, ſtill in Force, for a Parliament to be once a Year; and, for the Manner of it, it is in the King's Power that it ſhall never take Effect, if he, by a timely Summons, ſhall prevent any other Way of aſſembling.

'In the Bill for Continuance of this preſent Parliament, there ſeems to be ſome Reſtraint of the Royal Power in diſſolving of Parliaments; yet not to take it out of the Crown, but to ſuſpend the Execution of it for this Time and Occaſion only; which was ſo neceſſary for the King's own Security and the Public Peace, that, without it, we could not have undertaken any of theſe great Charges; but muſt have left both the Armies to Diſorder and Confuſion, and the whole Kingdom to Blood and Rapine.

'The Star-Chamber was much more fruitful in Oppreſſion than in Profit; the great Fines being, for the moſt part, given away, and the reſt ſtated at long Times.

'The Fines of the High Commiſſion were, in themſelves, unjuſt, and ſeldom or never came into the King's Purſe.

'Theſe four Bills are particularly and more ſpecially inſtanced; in the reſt there will not be found ſo much as a Shadow of Prejudice to the Crown.

'They have ſought to diminiſh our Reputation with the People, and to bring them out of Love with Parliaments. The Aſperſions which they have attempted this Way have been ſuch as theſe, 'That we have ſpent much Time, and "done little; eſpecially in thoſe Grievances which "concern Religion: That the Parliament is a "Burden to the Kingdom, by the Abundance of "Protections, which hinder Juſtice and Trade; "and, by many Subſidies granted, much more "heavy than any they formerly endured.'

'To which there is a ready Anſwer: If the Time 'ſpent in this Parliament be conſidered in relation, 'back-

'backward, to the long Growth and deep Root of An. 17. Car. I. 1641. December.
'those Grievances, which we have removed; to
'the powerful Supports of those Delinquents, which
'we have pursued; to the great Necessities and
'other Charges of the Commonwealth, for which
'we have provided: Or if it be considered in rela-
'tion, forward, to many Advantages, which not
'only the present, but future Ages are like to reap
'by the good Laws and other Proceedings in this
'Parliament, we doubt not but it will be thought,
'by all indifferent Judgments, that our Time hath
'been much better employed than in a far greater
'Proportion of Time in many former Parliaments
'put together. And the Charges which have been
'laid upon the Subject, and the other Inconveni-
'ences which they have borne, will seem very
'light, in respect of the Benefit they have had, and
'may receive. And for the Matter of Protections;
'the Parliament is so sensible of it, that therein they
'intend to give them whatsoever Ease may stand
'with Honour and Justice; and are in a Way of
'passing a Bill to give them Satisfaction.

'They have sought, by many subtle Practices,
'to cause Jealousies and Divisions betwixt us and
'our Brethren of *Scotland*; by slandering their Pro-
'ceedings and Intentions towards us; and, by se-
'cret Endeavours, to instigate and incense them and
'us one against another. They have had such a
'Party of Bishops and Popish Lords in the House of
'Peers, as hath caused much Opposition and De-
'lay in the Prosecution of Delinquents; and hin-
'dred the Proceedings of divers good Bills, passed
'in the Commons House, concerning the Refor-
'mation of sundry great Abuses and Corruptions
'both in Church and State. They have laboured to
'seduce and corrupt some of the Commons House,
'to draw them into Conspiracies and Combinations
'against the Liberty of the Parliament; and, by
'their Instruments and Agents, they have attempted
'to disaffect and discontent his Majesty's Army, and
'to engage it for the Maintenance of their wicked
'and traiterous Designs; the keeping up of Bishops

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'in Votes and Functions; and, by Force, to compel the Parliament, to order, limit, and diſpoſe 'their Proceedings in ſuch Manner as might beſt 'concur with the Intentions of this dangerous and 'potent Faction. And when one miſchievous 'Deſign and Attempt of theirs, to bring up the 'Army againſt the Parliament and the City of '*London*, had been diſcovered and prevented, they 'preſently undertook another of the ſame damnable Nature; with this Addition to it, to endeavour to make the *Scots* Army neutral, whilſt the '*Engliſh* Army (which they had laboured to corrupt and invenome againſt us, by their falſe and 'ſlanderous Suggeſtions) ſhould execute their Malice, to the Subverſion of our Religion, and the 'Diſſolution of the Government.

'Thus they have been continually practiſing to 'diſturb the Peace, and plotting the Deſtruction, 'even of all the King's Dominions; and have employed their Emiſſaries and Agents, in them all, 'for the promoting of their deviliſh Deſigns; which 'the Vigilancy of thoſe who were well affected 'hath ſtill diſcovered and defeated, before they were 'ripe for Execution in *England* and *Scotland*; only 'in *Ireland*, which was farther off, they have had 'Time and Opportunity to mould and prepare their 'Work, and had brought it to that Perfection, that 'they had poſſeſſed themſelves of that whole Kingdom; totally ſubverted the Government of it, 'rooted out Religion, and deſtroyed all the Proteſtants, whom the Conſcience of their Duty to 'God, their King and Country, would not permit 'to join with them; if, by God's wonderful Providence, their main Enterprize upon the City and 'Caſtle of *Dublin* had not been detected and prevented, upon the very Eve before it ſhould have 'been executed: Notwithſtanding, they have, in 'other Parts of that Kingdom, broken out into 'open Rebellion; ſurprizing Towns and Caſtles; 'committing Murders, Rapes, and other Villanies; 'and ſhaken off all Bonds of Obedience to his Ma-

'jeſty,

'jesty, and the Laws of the Realm; and, in ge- An. 17. Car. I.
'neral, have kindled such a Fire, as nothing but 1641.
'God's infinite Blessing upon the Wisdom and En- December.
'deavours of this State, will be able to quench.
'And certainly, had not God, in his great Mercy
'unto this Land, discovered and confounded their
'former Designs, we had been the Prologue to this
'Tragedy in *Ireland*; and had, by this Time, been
'made the lamentable Spectacle of Misery and
'Confusion.

'And now, what Hope have we but in God;
'when the only Means of our Subsistance, and
'Power of Reformation, is, under him, in the Par-
'liament? But what can we the Commons do,
'without the Conjunction of the House of Lords?
'And what Conjunction can we expect there?
'where the Bishops and Recusant Lords are so nu-
'merous and prevalent, that they are able to cross
'and interrupt our best Endeavours for Reforma-
'tion; and, by that Means, give Advantage to
'this malignant Party to traduce our Proceedings?
'They infuse into the People, 'That we mean to
"abolish all Church-Government, and leave every
"Man to his own Fancy for the Service and Wor-
"ship of God; absolving him of that Obedience
"which he owes, under God, unto his Majesty;'
'whom we know to be intrusted with the Eccle-
'siastical Law as well as with the Temporal, to re-
'gulate all the Members of the Church of *England*
'by such Rules of Order and Discipline as are esta-
'blished by Parliament, which is his great Council
'in all Affairs both in Church and State.

'We confess our Intention is, and our Endea-
'vours have been, to reduce within Bounds that
'exorbitant Power which the Prelates have assum'd
'unto themselves, so contrary both to the Word
'of God, and to the Laws of the Land; to which
'End we passed the Bill for the removing them
'from their Temporal Power and Employments,
'that so the better they might, with Meekness,
'apply themselves to the Discharge of their Func-

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'tions; which Bill themſelves oppoſed, and were 'the principal Inſtruments of croſſing it.

'And we do here declare, That it is far from our 'Purpoſe or Deſire to let looſe the golden Reins of 'Diſcipline and Government in the Church; to 'leave private Perſons, or particular Congregations, 'to take up what Form of Divine Service they 'pleaſe; for we hold it requiſite, that there ſhould 'be, throughout the whole Realm, a Conformity 'to that Order which the Laws injoin, according 'to the Word of God: And we deſire to unburden 'the Conſciences of Men of needleſs and ſuperſti-'tious Ceremonies, ſuppreſs Innovations, and take 'away the Monuments of Idolatry. And, the bet-'ter to effect the intended Reformation, we deſire 'there may be a general Synod of the moſt grave, 'pious, learned, and judicious Divines of this 'Iſland, aſſiſted with ſome from foreign Parts, pro-'feſſing the ſame Religion with us, who may conſi-'der of all Things neceſſary for the Peace and good 'Government of the Church; and repreſent the 'Reſults of their Conſultations unto the Parlia-'ment, to be there allowed of and confirmed, and 'receive the Stamp of Authority, thereby to find 'Paſſage and Obedience throughout the Kingdom.

'They have maliciouſly charged us, 'That we "intend to deſtroy and diſcourage Learning;' 'whereas it is our chiefeſt Care and Deſire to 'advance it, and to provide a competent Mainte-'nance for conſcionable and preaching Miniſters 'throughout the Kingdom; which will be a great 'Encouragement to Scholars, and a certain Means 'whereby the Want, Meanneſs, and Ignorance to 'which a great Part of the Clergy is now ſubject, 'will be prevented. And we intend likewiſe to 'reform and purge the Fountains of Learning, the 'two Univerſities, that the Streams flowing from 'thence may be clear and pure, and an Honour and 'Comfort to the whole Land.

'They have ſtrained to blaſt our Proceedings in 'Parliament, by wreſting the Interpretations of our 'Orders from their genuine Intention. They

'tell

'tell the People, 'That our meddling with the An. 17. Car. I.
"Power of Epiſcopacy, hath cauſed Sectaries and 1641.
"Conventicles;' when Idolatry and Popiſh Cere- December.
'monies, introduced into the Church by the Com-
'mand of the Biſhops, have not only debarred the
'People from thence, but expelled them from the
'Kingdom. Thus, with *Elijah*, we are called by
'this malignant Party, The Troublers of the State:
'And ſtill, while we endeavour to reform their
'Abuſes, they make us the Authors of thoſe Miſ-
'chiefs we ſtudy to prevent.

'For the perfecting of the Work begun, and re-
'moving all future Impediments, we conceive
'theſe Courſes will be very effectual, ſeeing the
'Religion of the Papiſts hath ſuch Principles as do
'certainly tend to the Deſtruction and Extirpation
'of all Proteſtants, when they ſhall have Oppor-
'tunity to effect it.

'In the *firſt* Place, it is neceſſary, to keep them
'in ſuch Condition, as that they may not be able
'to do us any Hurt: And, for avoiding of ſuch
'Connivance and Favour, as hath heretofore been
'ſhewed unto them, that his Majeſty be pleaſed to
'grant a ſtanding Commiſſion to ſome choice Men,
'named in Parliament, who may take Notice of
'their Increaſe, their Counſels, and Proceedings;
'and uſe all due Means, by Execution of the Laws,
'to prevent any miſchievous Deſigns againſt the
'Peace and Safety of this Kingdom.

2*dly*, 'That ſome good Courſe be taken to diſ-
'cover the counterfeit and falſe Conformity of Pa-
'piſts to the Church; by Colour whereof Perſons,
'very much diſaffected to the true Religion, have
'been admitted into Places of greateſt Authority
'and Truſt in the Kingdom.

3*dly*, 'For the better Preſervation of the Laws
'and Liberties of the Kingdom, that all illegal
'Grievances and Exactions be preſented and pu-
'niſhed at the Seſſions and Aſſizes; and that Judges
'and Juſtices be careful to give this in Charge to
'the Grand-Jury; and both the Sheriffs and Ju-
ſtices

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' ſtices to be ſworn to the due Execution of the ' Petition-of-Right, and other Laws.

4*thly*, ' That his Majeſty be humbly petitioned, ' by both Houſes, to employ ſuch Counſellors, Am- ' baſſadors, and other Miniſters, in managing his ' Buſineſs at home and abroad, as the Parliament ' may have Cauſe to confide in; without which ' we cannot give his Majeſty ſuch Supplies for Sup- ' port of his own Eſtate, nor ſuch Aſſiſtance to the ' Proteſtant Party beyond the Sea, as is deſired.

' It may often fall out that the Commons may ' have juſt Cauſe to take Exceptions at ſome Men ' for being Counſellors, and yet not charge thoſe ' Men with Crimes; for there be Grounds of Dif- ' fidence which lye not in Proof; there are others ' which, tho' they may be proved, yet are not le- ' gally criminal. To be a known Favourer of ' Papiſts; or to have been very forward in defend- ' ing or countenancing ſome great Offenders, que- ' ſtioned in Parliament; or to ſpeak contemptuouſly ' of either Houſe of Parliament or Parliamentary ' Proceedings; or ſuch as are Factors or Agents for ' any foreign Prince of another Religion; ſuch as are ' juſtly ſuſpected to get Counſellors Places, or any ' other of Truſt concerning public Employment ' for Money. For all theſe, and divers others, we ' may have great Reaſon to be earneſt with his Ma- ' jeſty not to put his great Affairs into ſuch Hands, ' tho' we may be unwilling to proceed againſt them ' in any legal Way of Charge or Impeachment.

5*thly*, ' That all Counſellors of State may be ' ſworn to obſerve the Laws which concern the ' Subject in his Liberty; that they may likewiſe ' take an Oath not to receive, or give, Reward or ' Penſion to, or from, any foreign Prince, but ſuch ' as they, within ſome reaſonable Time, diſcover to ' the Lords of his Majeſty's Council; and altho' ' they ſhould wickedly forſwear themſelves, yet it ' may herein do good, to make them known to be ' falſe and perjured to thoſe who employ them, ' and thereby bring them into as little Credit with ' them as with us:

' That

'That his Majesty may have Cause to be in love with good Counsel and good Men, by shewing him, in an humble and dutiful Manner, how full of Advantage it would be to himself, to see his own Estate settled in a plentiful Condition to support his Honour; to see his People united in Ways of Duty to him, and Endeavours for the Public Good; to see Happiness, Wealth, Peace, and Safety derived to his own Kingdom, and procured to his Allies, by the Influence of his own Power and Government: An. 17. Car. I. 1641. December.

'That all good Courses may be taken to unite the two Kingdoms of *England* and *Scotland*, to be mutually aiding and assisting one another, for the common Good of the Island, and Honour of both:

'To take away all Differences among ourselves for Matters indifferent in their own Nature concerning Religion, and to unite ourselves against the common Enemies; which are the better enabled, by our Divisions, to destroy us, as they hope and have often endeavoured:

'To labour, by all Offices of Friendship, to unite the foreign Churches with us in the same Cause; and to seek their Liberty, Safety, and Prosperity, as bound thereunto, both by Charity to them, and by Wisdom for our own Good; for, by this Means, our Strength shall be increased, and, by a mutual Concurrence to the same common End, we shall be enabled to procure the Good of the whole Body of the Protestant Profession.

'If these Things may be observed, we doubt not but God will crown this Parliament with such Success, as shall be the Beginning and Foundation of more Honour and Happiness to his Majesty, than ever was yet enjoyed by any of his Royal Predecessors.'

December 2. This Day the King came to the House of Lords; and, sending for the Commons, the Speaker, with the whole House, came up with 'the

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the Bill of Tonnage and Poundage; when he delivered himself to the King in this formal Speech [c]:

Most Dread Sovereign,

The Speaker's Speech at presenting a Bill for Continuance of Tonnage and Poundage.

'THE Observation, taken from the unlike Compositions and various Motions of the World, made the Philosophers conclude that *Tota hujus Mundi Concordia ex Discordibus constat.* The happy Conjuction of both these Nations, in the Triumph and Joy of your sacred Presence, extracted from the different Dispositions and Opinions, give us Cause to observe and admire these blessed Effects from such contrary Causes: We may, without Flattery, commend your sacred Majesty as the glorious Instrument of this happy Change, whose Piety and Prudence, directed by the Hand of God, hath contracted this Union from those various Discords.

'The Story of these Times will seem Paradoxes in following Generations, when they shall hear of Peace sprung from the Root of Dissention; of Union planted upon the Stock of Divisions; two Armies in the Field both ready to strike the first Blow, and both united without a Stroke. Nothing can reduce these Truths into a Belief, but the Knowledge of your Piety and Justice, who have accomplished these Acts of Wonder, by Goodness and Gentleness, without Force or Violence.

'This Way of Conquest, this *Bellum incruentum*, hath been the Rule of the most valiant and puissant Monarchs; advancing their Glory in the Safeguard of one Subject, more than in the Death of a thousand Enemies: And thus have you erected a Monument of Glory to your sacred Memory for all Generations.

'And as your Care and Piety for the Welfare of your Northern Kingdom, called you to that Work, for the great Comfort of your People, which your Wisdom hath so happily consummated: So, now, 'the

[c] From the original Edition, printed by *Joseph Hunscut.*

'the Diſtemper of your other Kingdom, fomented by the ſame Spirit, whoſe Preſence admits no Peace in *Iſrael*, calls on your Providence to heal the Diſeaſes of that Nation. An. 17. Car. I. 1641. December.

'The one from whence you returned, hath, with *Abel*, tho' the younger Brother, offered an acceptable Sacrifice; the other, with *Cain*, hath erected Altars for Blood and Revenge (the old Immolations of the *Levitical* Prieſthood) which invokes the Neceſſity of your Juſtice: The one, to a natural hath added a politic Brotherhood; the other, of Brothers, I am ſorry to ſay it, are become Strangers: The Fidelity of the one hath written a Story of Admiration to the World; the Diſloyalty of the other hath parallel'd that horrid Deſign, matchleſs before amongſt all Generations; 1*ſt*, In their Intentions, the Deſtruction of a Kingdom, even when Unity and Peace were tying the Knot of Religion and Safety. 2*dly*, In the Diſcovery, a Moment of Time prevented the Execution. 3*dly*, In the Actors, Jeſuits and Prieſts, without whom the Malice of the Devil could not have found a Party in the World, fitted to act over the like bloody Tragedy.

'But this, among the many Joys we receive by your happy Return, is not the leaſt, That the ſame Providence which protected that gracious King, your moſt religious Father, from their bloody Attempts, and increaſed the Bleſſing of a long and happy Reign, hath alſo defended your ſacred Throne from all their Machinations.

'Thus we ſee Religion is the greateſt Policy, the never-failing Support of King and Kingdom; that which firms you and your Poſterity to your Throne, and our Duty and Obedience to it.

'Give me Leave here, Moſt Gracious Sovereign, to ſum up the Senſe of eleven Months Obſervation, without Intermiſſion ſcarce of a Day, nay an Hour in that Day, to the Hazard of Life and Fortune; and to reduce all into this Concluſion, That the Endeavours of your Commons aſſembled, guided by your pious and religious Example, is to

'pre-

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'preserve Religion in its Purity, without Mixture 'or Composition, against these subtle Invaders; 'and, with our Lives and Fortunes, to establish 'this Throne to your sacred Person, and those 'Beams of Majesty, your Royal Progeny, against 'all Treason and Rebellion.

'The Ways that conduce to this End, are the 'Defence of the Land and Sea; for the one we 'have already voted to raise Money; for the 'other, this Bill, in some Measure, will accom-'plish for a little Time; and, to that End, I, by 'the Command of the Commons, humbly beseech 'your Royal Assent.'

When the Speaker had ended, and the Royal 'Assent given to the Bill, the King himself spoke 'as follows[d]:

'My Lords and Gentlemen,

The King's Speech to both Houses on his Return from *Scotland*.

I Think it fit, after so long Absence, at this first Occasion, to speak a few Words unto you: But it is no ways in Answer to Mr. Speaker's learned Speech.

Albeit I have stayed longer than I expected to have done when I went away; yet in this I have kept my Promise with you, that I have made all the Haste back again, that the Settling of my Scots *Affairs could any ways permit: In which I have had so good Success, that I will confidently affirm to you, that I have left that Nation a most peaceable and contented People; so that although I have a little mis-reckoned in Time, yet I was not deceived in my End.*

But if I have deceived your Expectations a little, in the Time of my Return; yet I am assured, that my Expectation is as much and more deceived, in the Condition wherein I hoped to have found Businesses at my Return: For, since that, before my going, I settled the Liberties of my Subjects, and gave the Laws a free and orderly Course, I expected to have found my People reaping the Fruits of these Benefits, by living in

[d] Printed by *Robert Barker*, Printer to the King's Most Excellent Majesty, and by the Assigns of *John Bill*, 1641.

in Quietneſs and Satisfaction of Mind: But inſtead of this, I find them diſturbed with Jealouſies, Fright, and Alarms of dangerous Deſigns and Plots; in Conſequence of which Guards have been ſet to defend both Houſes. I ſay not this, as in Doubt that my Subjects Affections are any way leſſened to me in this Time of my Abſence; (for I cannot but remember, to my great Comfort, the joyful Reception I had now at my Entry into London) *but rather, as I hope, that my Preſence will eaſily diſperſe theſe Fears; for I bring as perfect and true Affections to my People as ever Prince did, or as good Subjects can poſſibly deſire; and I am ſo far from repenting me of any Act I have done this Seſſion for the Good of my People, that I proteſt, if it were to do again, I would do it; and will yet grant what elſe can be juſtly deſired for Satisfaction in Point of Liberties, or in Maintenance of the true Religion that is here eſtabliſhed.*

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Now, I have but one Particular to recommend unto you at this Time: It is Ireland; *for which, though I doubt not your Care, yet, methinks, the Preparations for it go but ſlowly on. The Occaſion is the fitter for me now to mention it, becauſe of the Arrival of two Lords from* Scotland, *who come inſtructed from my Council there, (who now, by Act of Parliament, hath full Power for that Purpoſe) to anſwer that Demand, which it pleaſed both Houſes to make me, by way of Petition, that met me at* Berwick; *and which the Duke of* Richmond *ſent back, by my Command, to my* Scots *Council. Therefore my Deſire is, That both Houſes would appoint a ſelect Committee, to end this Buſineſs with theſe Noblemen.*

I muſt conclude in telling you, that I ſeek my People's Happineſs; for their Flouriſhing is my greateſt Glory, and their Affections my greateſt Strength.

December 3. According to the Tenor of his Majeſty's Speech, in regard to ſome Lords coming as Commiſſioners out of *Scotland*, about the *Iriſh* Rebellion, both Houſes thought proper to nominate ſome of their Body, to treat with them on that Buſineſs. The Earl of *Bedford*, and the Earl of *Leiceſter*, Lord

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Lord-Lieutenant of *Ireland*, with the Lord *Howard* of *Eſcrick*, were appointed by the Lords; and Mr. *Nathaniel Fiennes*, Sir *William Armyn*, Sir *Philip Stapylton*, and Mr. *Hampden*, by the Commons, to treat with the *Scots* Commiſſioners, according to the King's Directions. The Commons, alſo, ordered the King's Speech to be entered in their *Journals*; a Thing not uſual in former Seſſions.

In Conſequence whereof they appoint a Committee to treat with the *Scots*.

The Lords reſume the Cauſe of the thirteen impeached Biſhops.

The Cauſe of the thirteen impeached Biſhops was this Day reſumed by the Lords, when the Counſel for them was demanded to ſhew Cauſe, Why the Deſire of the Houſe of Commons, lately made, ſhould not be granted; which was, That a ſhort Day might be fixed for them to make Proof of their Charge, notwithſtanding the Plea and Demurrer of the Biſhops. Their Counſel anſwered, That this Cauſe would not be fit for a Hearing, untill the Biſhops put in their Anſwers; for there can be no Iſſue joined till then. And they conceive no Anſwer can be made untill the Charge is particular; therefore the Biſhops abide by their Plea and Demurrer.

The Lords ordered *Tueſday*, the 7th Inſtant, to hear what the Counſel could ſay in maintaining the Plea and Demurrer to the Impeachment; at which Time and Place the Houſe of Commons, or ſuch of their Members as they ſhould appoint, might be preſent if they pleaſed. And, as there was nothing material done in either Houſe, we ſhall paſs on to

December 7. When a Report was made to the Lords, by the Archbiſhop of *York* [e], of a Conference had with the Commons the Day before, concerning

[e] Dr. *John Williams*, tranſlated from the Biſhoprick of *Lincoln* to this See, the 4th of this Month, on the Death of Archbiſhop *Neile*.

Lord *Clarendon* accounts for this Prelate's Promotion (who was for ſome Years in the *Tower*, by a Sentence of the Star-Chamber, before this Parliament met; and had been, ſince, in great Eſteem with the Commons on account of his Behaviour in the Caſe of the Archbiſhop of *Canterbury* and Lord *Strafford*) by ſaying, 'That, as the Time then was, it could not qualify him to do more Harm, and might poſſibly diſpoſe and oblige him to do ſome Good.'

Hiſtory of the Rebellion, Vol. I. 8vo. Edit. p. 350.

cerning the Proſecution againſt the Biſhops, to this Effect: An. 17. Car. I. 1641. December.

'He firſt repeated all the Proceedings in this Cauſe, from the firſt Impeachment, the 4th of *Auguſt* laſt, to that Time; wherein the Houſe of Commons obſerved much Dilatorineſs had been uſed by the Biſhops, and that ſo long Time given, in Cauſes of this Nature, produced great Inconveniences; and that this kind of Proceeding was not precedented in former Parliaments; for this Courſe would keep all Cauſes from being heard, and Delinquents from being queſtioned. *Super totam Materiam*, it was demanded by the Houſe of Commons, that one of theſe three Things be granted:

1. 'That the Demurrer might be rejected: Or

2. 'That their Lordſhips would proceed to Judgment: Or, at leaſt,

3. 'That the Houſe of Commons might be admitted to make their Proofs, without farther Delay.'

The Counſel for the Biſhops being then called in, and the ſecond Impeachment, of the 13th of *Auguſt* laſt, read to them, they deſired ſome ſhort Day to conſider what Anſwer the Biſhops ſhould make to it; and the Lords fixed upon *Saturday*, the 11th Inſtant, for that Purpoſe.

This Day the Queen, again, deſired of the Lords, That ſince her Confeſſor *Philips*, was bailed, he might not be reſtrained from coming to her. This was conſented to by the Lords, but refuſed by the Commons. The Commons ſtill refuſe the Queen the Uſe of her Confeſſor.

December 8. The King ſent a Meſſage to the Lords, 'That it was his Deſire both Houſes would conſider of, and prepare, Inſtructions for their Commiſſioners to treat with the *Scots* about the *Iriſh* Affairs, and preſent them to him.' He, alſo, ſent to inform both Houſes, 'That the *French* Ambaſſador had petitioned for eight Prieſts condemned this Week; and that they might be impriſoned or baniſhed, rather than be executed, becauſe it might concern

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concern the settling of Affairs in *Ireland*.' In this his Majesty desired the Advice of Parliament.

Five thousand *Scots* to be transported into *Ireland*.

The House of Commons sent up the Instructions for the Treaty with the *Scots*; which was only to make the best Agreement with them they could, for transporting 5000 Men into *Ireland*, and paying for them; and to express the Thanks of both Houses, for their Readiness to assist in that Business.

The Rebels there require the free Exercise of their Religion.

This Day both Houses being informed, That the *Irish* Rebels had presented a Remonstrance for Peace, the Terms of which were, To have the free Exercise of their Religion, and a Repeal of all Laws to the contrary, &c. after a solemn Debate, it was resolved by both Lords and Commons, 'That they would never give Consent to any Toleration of the Popish Religion, in *Ireland*, or any other of his Majesty's Dominions.' In this Debate, amongst the Commons, Sir *Benjamin Rudyard* spoke as follows[f]:

Mr. Speaker,

Sir *B. Rudyard*'s Speech against that Demand.

'PEradventure I could have wished that Toleration in Religion had not, at this Time, come in question; yet now that it is brought on the Stage, I am brought to the Stake. When Religion is so nearly concerned, I love not to take any Civil or Politic Respects into Consideration: Reasons of State have almost eaten up all the Laws and Religion of *Christendom*.

'I have often heard it discoursed, Whether we should make Religion an Argument of any of our Undertakings abroad? Herein the wiser Sort have been very nice and tender; believing that the Over-number of Papists would overwhelm us; yet I have been long of Opinion, that our Attempts and Assistance have so often miscarried, because we have not boldly and publickly avowed our Religion. It may be God, who can conquer as well with few as

[f] From the Collection of this Gentleman's Speeches, printed by *Francis Constable*, 1641.

as with many, thinks we are too many. Shall the *Irish* now make their Religion the Cauſe of their Rebellion, and ſhall we be aſhamed or afraid to maintain our Religion, in reducing them to their Duty or Obedience? God will not honour them who do not honour him. Let us remember the Expoſtulation in the *Chronicles*, *Why tranſgreſs ye the Commands of God, ſo that ye cannot proſper?* This is a great Tranſgreſſion, to ſhrink from God in his Truth. An. 17. Car. I. 1641. December.

'When we deny the *Iriſh* a Toleration, we do not withdraw the Eaſe and Favours they have heretofore enjoyed; greater, I am ſure, than they would afford us, if we were in their Power: Wherefore, Mr. Speaker, let us uphold our Religion, and truſt God with the Succeſs.'

December 9. Sir *John Hotham* delivered in to the Commons the State of the National Accounts and Debts; by which it appear'd that the latter then amounted to 504,044 *l.* 4 *s.* 5 *d.* State of the National Debt.

The Houſe renewed the Affair of a Conſpiracy to bring up the Army to awe, or ſubdue, the Parliament; when ſome Perſons were voted guilty of High Treaſon; and Sir *John Berkeley*, Sir *Hugh Pollard*, Mr. *William Aſhburnham*, and Mr. *Wilmot*, guilty of Miſpriſon of Treaſon. The three laſt, as Members, with Mr. *Henry Piercy*, were expelled the Houſe. Four Members expelled on account of the Army-Plot.

December 10. A Company of Watchmen, with Halberts, being ſet as a Guard to the Doors of both Houſes of Parliament, one of them was ordered to be called in to the Lords, and demanded the Reaſon why they came there? It was anſwered, That they came by virtue of a Warrant from the High Conſtable of *Weſtminſter*, as a Guard, becauſe a Riot was likely to be there, as that Day. The High Conſtable being ſent for, declared, That he received a Warrant from the Juſtices of Peace, ſet forth by the King's Writ directed to them, for preventing of Riots, Routs, and unlawful Aſſemblies, according to the Statute of 13. *Hen.* IV. *Cap.* 7.

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The Commons dismiss the Guards appointed by the King to prevent Riots.

The House of Commons were brisker in their Inquiry into this Business, and summoned the Justices before them; where finding that one of them had exceeded his Commission, in appointing Guards, without acquainting the Parliament with it, they sent him to the *Tower*, and dismissed the Guards.

December 11. The King not having received any Answer from the Parliament about the condemned Priests, he sent to the House of Lords again, acquainting them, that they were ordered for Execution in two Days Time, unless reprieved. This being communicated to the Commons, they went to voting on these Men's Lives separately; on which there were three Divisions in the House, and Mercy prevailed so far, that two of them were voted to be spared; tho' one had a near Run for his Life, the Division being only 74 against 73. Some Altercations happened, afterwards, between the Houses, about these Priests; but the Commons sending up a Letter from *Ireland*, of the bloody Massacre the Rebels were making in that Kingdom, both Houses joined in a Petition to his Majesty to take off his Reprieve, and suffer them all to be executed: But this not being complied with, they were all afterwards banished.

The Votes as to the condemned Priests.

Orders were sent from both Houses to their Commissioners, to treat with the *Scots* for ten thousand Men instead of five.

The Counsel for the Bishops were heard again in the House of Lords, and ordered a farther Hearing on *Monday* the 13th: But, before that came on, the Lords thought proper to have a Conference with the other House; when they inform'd the Commons, That the Bishops were resolved to abide by their former Plea and Demurrer; only they had waved one Branch of the latter, which was to the Generality of the Charge, which appear'd to be particular: That they had appointed the next Day for a further Hearing; of which they thought proper to give the Commons Notice to attend, if they pleased. But this was prevented by the King's coming to the House of Lords that Day; when, being

ing ſeated on the Throne, he made this Speech to both Houſes of Parliament: An. 17. Car. I. 1641. December.

My Lords and Gentlemen,

THE laſt Time I was in this Place, and the laſt Thing that I recommended unto you, was the Buſineſs of Ireland; whereby I was in good Hope that I ſhould not have needed again to have put you in mind of that Buſineſs: But ſtill ſeeing the ſlow Proceedings therein, and the daily Diſpatches that I have out of Ireland, of the lamentable Eſtate of my Proteſtant Subjects there, I cannot but again earneſtly commend the Diſpatch of that Expedition unto you; for it is the chief Buſineſs that, at this Time, I take to Heart; and there cannot almoſt, be any Buſineſs that I can have more Care of. The King's Speech, taking Notice of a Bill depending for preſſing of Soldiers;

I might now take up ſome of your Time in expreſſing my Deteſtation of Rebellions in general, and of this in particular: But knowing that Deeds, and not Declarations, muſt ſuppreſs this great Inſolency, I do here, in a Word, offer you whatſoever my Power, Pains, or Induſtry, can contribute to this good and neceſſary Work of reducing the Iriſh Nation to their true and wonted Obedience.

And, that nothing may be omitted on my Part, I muſt here take notice of the Bill for preſſing of Soldiers, now depending among you, my Lords; concerning which, I here declare, That, in caſe it come ſo to me, as it may not infringe or diminiſh my Prerogative, I will paſs it [g]. And further; ſeeing there is a Diſpute raiſed (I being little beholden to him whoſoever at this Time began it) concerning the Bounds of this antient and undoubted Prerogative; to avoid further Debate at this Time, I offer that the Bill may paſs with a Salvo Jure both for King and People, leaving ſuch Debates to a Time that may better bear them. If this be not accepted, the Fault is not mine that this Bill paſs not, but theirs that refuſe ſo fair an Offer.

g In the Preamble to this Bill, as ſent up by the Commons to the Lords, it was declared, 'That the King had, in no Caſe, or upon 'any Occaſion, but the Invaſion from a foreign Power, Authority 'to preſs the free-born Subject; that being inconſiſtent with the 'Freedom and Liberty of his Perſon.'

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To conclude: I conjure you, by all that is or can be dear to you or me, that, laying away all Disputes, you go on chearfully and speedily for the Relief of Ireland.

No sooner was the King departed, than both Houses fell, warmly, into Debate, on that Part of his Speech which mention'd the Press-Act. After many Disputes and some Conferences about it,

Which both Houses vote to be a Breach of Privilege.

December 15, both Houses agreed in these Resolutions, 'That it was their Opinion, that the Privileges of Parliament were broken, 1*st*, By his Majesty's taking Notice of the Bill for pressing, it being in Agitation in both Houses, and not agreed on. 2*dly*, In that his Majesty should propound a Limitation and provisional Clause to be added to the Bill, before it was presented to him by the Consent of both Houses. 3*dly*, In that his Majesty did express his Displeasure against some Persons, for Matters moved or debated in Parliament, during the Debate and Preparation of that Bill. 4*thly*, That a Declaratory Protestation be entered into, by both Houses, for the Claim of these Privileges and Liberties; and that a Petitionary Remonstrance be drawn up, and presented to his Majesty about them.'

In the Heat of these Debates, in the House of Lords, the Lord *Pierepoint* [h] happening to say, 'That it was not honourable for that House to be in such a Noise and Tumult,' the Lords thought these Words a great Offence against so high a Court; and therefore he was committed to the Custody of the Gentleman-Usher; but, upon his humble Petition, the next Day he was released.

The Commons resolve to print their Petition and Remonstrance.

The same Day the Commons resolved to give present Orders for the printing of their Remonstrance, or Declaration, concerning the State of the Kingdom, on a Division, Yeas 135, Noes 83. The Tellers upon this very remarkable Occasion were, for the Question, Mr. *Denzil Holles*, Member for *Dorchester*, and Sir *Walter Erle*, Member for *Weymouth*;

[h] Eldest Son of the Earl of *Kingston*, called up by Writ, *Vita Patris*.

mouth; againſt it, Sir *John Colepeper*, Knight of the Shire for *Kent*, and Mr. *John Aſhburnham*, Member for *Haſtings*. An. 17. Car. I. 1641. December.

The Commons having printed and publiſhed their Petition and Remonſtrance, the King gave Orders for printing and publiſhing his Anſwer to the former as follows:

The King's Anſwer to that Petition.

WE having received from you, ſoon after our Return out of Scotland, *a long Petition, conſiſting of many Deſires of great Moment, together with a Declaration of a very unuſual Nature annexed thereunto, we had taken ſome Time to conſider of it, as befitted us in a Matter of that Conſequence; being confident, that your own Reaſon and Regard to us, as well as our expreſs Intimation by our Comptroller to that Purpoſe, would have reſtrained you from the Publiſhing of it, till ſuch Time as you ſhould have received our Anſwer to it: But, much againſt our Expectation, finding the contrary, that the ſaid Declaration is already abroad in Print, by Directions from your Houſe, as appears by the printed Copy, we muſt let you know that we are very ſenſible of this Diſreſpect: Notwithſtanding, it is our Intention that no Failing on your Part ſhall make us fail in ours, of giving all due Satisfaction to the Deſires of our People in a Parliamentary Way; and therefore we ſend you this Anſwer to your Petition, reſerving ourſelf in point of the Declaration, which we think Unparliamentary, and ſhall take a Courſe to do that which we ſhall think fit in Prudence and Honour.*

To the Petition we ſay, That although there are divers Things in the Preamble of it, which we are ſo far from admitting, that we profeſs we cannot underſtand them; *as*, of a wicked and malignant Party prevalent in the Government; of ſome of that Party admitted to our Privy-Council, and to other Employments of Truſt, and neareſt to us and our Children; of Endeavours to ſow among the People falſe Scandals and Imputations, to blemiſh and diſgrace the Proceedings of the Parliament:

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All, or any of which, did we know of, we should be as ready to remedy and punish, as you to complain of. That the Prayers of your Petition are grounded upon such Premises as we must in no wise admit; yet, notwithstanding, we are pleased to give this Answer to you.

To the first, *concerning Religion, consisting of several Branches, we say, That, for the preserving the Peace and Safety of the Kingdom from the Designs of the Popish Party, we have and will still concur with all the just Desires of our People in a Parliamentary Way: That for the depriving of the Bishops of their Votes in Parliament, we would have you consider, that their Right is grounded upon the Fundamental Law of the Kingdom, and Constitution of Parliament. This we would have you consider; but since you desire our Concurrence herein, in a Parliamentary Way, we will give no further Answer at this Time.*

As for the abridging of the inordinate Power of the Clergy; we conceive that the taking away the High-Commission Court hath well moderated that; but if there continue any Usurpations or Excesses in their Jurisdictions, we therein neither have nor will protect them.

Unto that Clause which concerneth Corruptions, as you style them, in Religion, in Church-Government, and in Discipline; and the removing of such unnecessary Ceremonies as weak Consciences might cheque at: That for any illegal Innovations, which may have crept in, we shall willingly concur in the Removal of them. That if our Parliament shall advise us to call a National Synod, which may duly examine such Ceremonies as give just Cause of Offence to any, we shall take it into Consideration, and apply ourself to give due Satisfaction therein; but we are very sorry to hear, in such general Terms, Corruption in Religion objected; since we are persuaded in our Conscience, that no Church can be found upon the Earth that professeth the true Religion with more Purity of Doctrine than the Church of England *doth; nor where the Government and Discipline are jointly more beautified, and free from Superstition, than as they are*

are here eſtabliſhed by Law; which, by the Grace of God, we will with Conſtancy maintain, while we live, in their Purity and Glory; not only againſt all Invaſions of Popery, but alſo from the Irreverence of thoſe many Schiſmaticks and Separatiſts, wherewith, of late, this Kingdom and this City abounds, to the great Diſhonour and Hazard both of Church and State; for the Suppreſſion of whom, we require your timely and active Aſſiſtance. An. 17. Car. I. 1641. December.

To the ſecond *Prayer of the Petition, concerning the Removal and Choice of Counſellors: We know not any of our Counſel to whom the Character, ſet forth in the Petition, can belong. That, by thoſe whom we have expoſed to Trial, we have already given you ſufficient Teſtimony that there is no Man ſo near unto us in Place or Affection, whom we will not leave to the Juſtice of the Law, if you ſhall bring a particular Charge and ſufficient Proofs againſt him; and of this we do again aſſure you: But, in the mean Time, we wiſh you to forbear ſuch general Aſperſions as may reflect upon all our Council, ſince you name none in particular.*

That for the Choice of our Counſellors and Miniſters of State: It were to debar us that natural Liberty all Freemen have; and as it is the undoubted Right of the Crown of England, *to call ſuch Perſons to our ſecret Councils, to public Employment, and our particular Service, as we ſhall think fit; ſo we are, and ever ſhall be, very careful to make Election of ſuch Perſons in thoſe Places of Truſt, as ſhall have given good Teſtimonies of their Abilities and Integrity, and againſt whom there can be no juſt Cauſe of Exception, whereon reaſonably to ground a Diffidence; and to Choices of this Nature, we aſſure you that the Mediation of the neareſt unto us hath always concurred.*

To the third *Prayer of your Petition, concerning* Ireland: *We underſtand your Deſire of not alienating the forfeited Lands thereof, to proceed from your much Care and Love, and likewiſe that it may be a Reſolution very fit for us to take; but whether it be ſeaſonable to declare Reſolutions of that Nature before the Events of a War be ſeen, that we much doubt*

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doubt of. However, we cannot but thank you for this Care, and your chearful Engagement for the Suppreſſion of that Rebellion; upon the ſpeedy effecting whereof, the Glory of God in the Proteſtant Profeſſion, the Safety of the Britiſh *there, our Honour, and that of the Nation, ſo much depends; all the Intereſts of this Kingdom being ſo involved in that Buſineſs, we cannot but quicken your Affections therein, and ſhall deſire you to frame your Counſels, and to give ſuch Expedition to the Work, as the Nature thereof, and the Preſſure in point of Time, requires; and whereof you are put in Mind by the daily inſolence and Increaſe of thoſe Rebels.*

For Concluſion, you promiſe to apply yourſelves to ſuch Courſes as may ſupport our Royal Eſtate with Honour and Plenty at home, and with Power and Reputation abroad: This is that which we have ever promiſed ourſelf, both from your Loyalties and Affections, and alſo for what we have already done, and ſhall daily go adding unto, for the Comfort and Happineſs of our People.

His Majeſty alſo, by the Advice of his Privy-Council, iſſued the following Declaration, addreſs'd to all his loving Subjects. [i]

And his Majeſty's Declaration in Anſwer to the Remonſtrance.

'ALthough we do not believe that our Houſe 'of Commons intended, by their Remon-'ſtrance of the State of the Kingdom, to put us to 'any Apology, either for our paſt or preſent Ac-'tions: Notwithſtanding, ſince they have thought 'it ſo very neceſſary, upon their Obſervation of 'the preſent Diſtempers, to publiſh the ſame, for 'the Satisfaction of all our loving Subjects, we 'thought it very ſuitable to the Duty of our Place, 'with which God hath truſted us, to do our Part 'to ſo good a Work; in which we ſhall not think 'it below our Kingly Dignity to deſcend to any 'Particular, which may compoſe and ſettle the Af-'fections

[i] *Ruſhworth* has given the Commons Petition and Remonſtrance, with the King's Anſwer to the former; but has omitted this Declaration, which was publiſhed at the ſame Time, in Reply to the Remonſtrance of the Commons, by *Robert Barker*, Printer to the King's Moſt Excellent Majeſty, and by the Aſſigns of *John Bill*.

'fections of our meaneſt Subjects; ſince we are ſo 'conſcious to ourſelf of ſuch upright Intentions and 'Endeavours, and only of ſuch, for which we give 'God Thanks, for the Peace and Happineſs of our 'Kingdom, in which the Proſperity of our Subjects 'muſt be included, that we wiſh from our Heart, 'that even our moſt ſecret Thoughts were pub-'liſhed to their View and Examination: Tho' we 'muſt confeſs, we cannot but be very ſorry in this 'Conjuncture of Time, when the Unhappineſs of 'this Kingdom is ſo generally underſtood abroad, 'there ſhould be ſuch a Neceſſity of publiſhing ſo 'many Particulars; from which, we pray, no in-'conveniences may enſue that were not intended.

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'We ſhall, in few Words, paſs over that Part 'of the Narrative, wherein the Misfortunes of this 'Kingdom, from our firſt entering to the Crown to 'the Beginning of this Parliament, are remembered 'in ſo ſenſible Expreſſions: And that other, which 'acknowledgeth the many good Laws, paſſed by 'our Grace and Favour, in this Parliament, for 'the Security of our People; of which we ſhall only 'ſay thus much, That as we have not refuſed to 'paſs any Bill preſented to us by our Parliament, 'for Redreſs of thoſe Grievances mentioned in the 'Remonſtrance, ſo we have not had a greater Mo-'tive for the paſſing thoſe Laws than our own Reſo-'lution, grounded upon our Obſervation and Un-'derſtanding of the State of our Kingdom, to have 'freed our Subjects, for the future, from thoſe Preſ-'ſures which were grievous to them, if thoſe Laws 'had not been propounded; which, therefore, we 'ſhall as inviolably maintain, as we look to have 'our own Rights preſerved; not doubting but all 'our loving Subjects will look on thoſe Remedies 'with that full Gratitude and Affection, that even 'the Memory of what they have formerly under-'gone by the Accidents and Neceſſities of thoſe 'Times, will not be unpleaſant to them: And, poſ-'ſibly, in a pious Senſe of God's Bleſſing upon this 'Nation, how little Share ſoever we ſhall have of 'the Acknowledgment, they will confeſs they have 'enjoyed a great Meaſure of Happineſs, even theſe

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'last sixteen Years, both in Peace and Plenty; not 'only comparatively in respect of their Neigh- 'bours, but even of those Times which were justly 'accounted fortunate.

'The Fears and Jealousies, which may make 'some Impression in the Minds of our People, we 'will suppose may be of two Sorts; either for Re- 'ligion, or Liberty and their Civil Interests. The 'Fears for Religion may haply be, not only as ours 'here established may be invaded by the *Romish* 'Party, but as it is accompanied with some Cere- 'monies, at which some tender Consciences really 'are, or pretend to be, scandalized; for of any 'other which have been used without any legal 'Warrant or Injunction, and already are, or speed- 'ily may be abolished, we shall not speak.

'Concerning Religion: As there may be any 'Suspicion of Favour or Inclination to the Papists, 'we are willing to declare to all the World, That 'as we have been, from our Childhood, brought 'up in, and practised the Religion now established 'in this Kingdom; so it is well known we have, 'not contented simply with the Principles of our 'Education, given a good Proportion of our Time 'and Pains to the Examination of the Grounds of 'this Religion, as it is different from that of *Rome*; 'and are, from our Soul, so fully satisfied and as- 'sured that it is the most pure and agreeable to the 'sacred Word of God, of any Religion now prac- 'tised in the Christian World, that as we believe 'we can maintain the same by unanswerable Rea- 'sons, so we hope we should readily seal it by the 'Effusion of our Blood, if it pleased God to call us 'to that Sacrifice: And therefore nothing can be so 'acceptable unto us, as any Proposition which may 'contribute to the Advancement of it here, or the 'Propagation of it abroad, being the only Means 'to draw down a Blessing from God upon ourselves 'and this Nation. And we have been extremely 'unfortunate, if this Profession of ours be wanting 'to our People; our constant Practice in our own 'Person having always been, without Ostentation, 'as much to the Evidence of our Care and Duty 'herein

'herein, as we could possibly tell how to express. An. 17. Car. I.
'For Differences amongst ourselves, for Matters 1641.
'indifferent in their own Nature, concerning Reli- December.
'gion, we shall, in Tenderness to any Number of
'our loving Subjects, very willingly comply with
'the Advice of our Parliament, that some Law may
'be made for the Exemption of tender Consciences
'from Punishment or Prosecution for such Cere-
'monies, and in such Cases, which, by the Judg-
'ment of Men, are held to be Matters indifferent,
'and of some to be absolutely unlawful; provided
'that this Ease be attempted and pursued with such
'Modesty, Temper, and Submission, that, in the
'mean Time, the Peace and Quiet of the Kingdom
'be not disturbed, the Decency and Comeliness of
'God's Service discountenanced, nor the pious,
'sober, and devout Actions of those reverend Per-
'sons who were the first Labourers in the blessed
'Reformation, or of that Time, be scandalized and
'defamed: For we cannot, without Grief of Heart,
'and without some Tax upon ourself and our Mi-
'nisters for the not executing of our Laws, look
'upon the bold Licence of some Men, in printing
'of Pamphlets, in preaching and printing of Ser-
'mons, so full of Bitterness and Malice against the
'present Government and the Laws established, so
'full of Sedition against ourself and the Peace of
'the Kingdom, that we are many Times amazed
'to consider by what Eyes these Things are seen,
'and by what Ears they are heard; and therefore
'we have good Cause to command, as we have
'done, and hereby do, all our Judges and Mini-
'sters of Justice, our Attorney and Sollicitor-Ge-
'neral, and the rest of our learned Counsel, to pro-
'ceed with all Speed against such and their Abet-
'tors; who, either by Writing or Words, have so
'boldly and maliciously violated the Laws, disturb-
'ed the Peace of the Commonwealth, and, as much
'as in them lies, shaken the very Foundation upon
'which that Peace and Happiness is founded and
'constituted. And we doubt not but all our loving
'Subjects will be very sensible that this busy, viru-
'lent, Demeanor is a fit Prologue to nothing but

'Con-

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'Confuſion; and, if not very ſeaſonably puniſhed 'and prevented, will not only be a Blemiſh to that 'wholeſome Accommodation we intend, but an un-'ſpeakable Scandal and Imputation even upon the 'Profeſſion and Religion of this our Kingdom of '*England*.

'Concerning the Civil Liberties and Intereſts of 'our Subjects, we ſhall need to ſay the leſs, having 'erected ſo many laſting Monuments of our princely 'and fatherly Care of our People, in thoſe many 'excellent Laws paſſed by us this Parliament; which, 'in Truth, with very much Content to ourſelf, we 'conceive to be ſo large and ample, that very 'many ſober Men have very little left to wiſh for.

'We underſtand well the Right, and Pretences 'of Right, we departed from in the conſenting to 'the Bills for the Triennial Parliament; for the 'Continuance of this preſent Parliament; and in 'the Preamble to the Bill of Tonnage and Poundage; the Matter of which, having begot ſo many 'Diſturbances in late Parliaments, we were willing to remove, that no Intereſt of ours might 'hereafter break that Correſpondence; abundantly 'contenting ourſelf with an Aſſurance, which we 'ſtill have, that we ſhould be repaired and ſupplied 'by a juſt Proportion of Confidence, Bounty, and 'Obedience of our People. In the Bills for the taking away the High-Commiſſion and Star-Chamber Courts, we believed we had given that real 'Satisfaction, that all Jealouſies and Apprehenſions 'of arbitrary Preſſures, under the Civil or Eccleſiaſtical State, would eaſily have been abandoned; 'eſpecially when they ſaw all poſſible Doubt ſecur'd 'by the Viſitation of a Triennial Parliament.

'Theſe, and others of no mean Conſideration, we 'had rather ſhould be valued in the Hearts and Affections of our People than in any Mention of our 'own; not doubting but, as we have taken all theſe 'Occaſions to make our People happy, ſo they will 'always, in a grateful and dutiful Relation, be ready, 'with equal Tenderneſs and Alacrity, to advance 'our Rights and preſerve our Honour, upon which 'their own Security and Subſiſtance ſo much de-

'pends.

'pends. And we will be ſo careful that no Particu- An. 17. Car. I. 1641.
'lar ſhall be preſented unto us, for the compleating
'and eſtabliſhing that Security, to which we will December.
'not, with the ſame Readineſs contribute our beſt
'Aſſiſtance.

'If theſe Reſolutions be the Effect of our preſent 'Counſels, (and we take God to witneſs that they 'are ſuch, and that all our loving Subjects may con- 'fidently expect the Benefit of them from us) cer- 'tainly no ill Deſign upon the Public can accom- 'pany ſuch Reſolutions; neither will there be 'greater Cauſe of Suſpicion of any Perſons prefer- 'red by us to Degrees of Honour, and Places of 'Truſt and Employment, ſince this Parliament. 'And we muſt confeſs, that amongſt our Misfor- 'tunes, we reckon it not the leaſt, that having not 'retain'd in our Service, nor protected, any one 'Perſon againſt whom our Parliament hath except- 'ed, during the whole Sitting of it; and having, in 'all that Time, ſcarce vouchſafed to any Man an 'Inſtance of our Grace and Favour, but to ſuch who 'were under ſome eminent Character of Eſtima- 'tion amongſt our People, there ſhould ſo ſoon be 'any Miſunderſtanding or Jealouſy of their Fide- 'lity and Uprightneſs; eſpecially in a Time when 'we take all Occaſions to declare, That we con- 'ceive ourſelf only capable of being ſerved by ho- 'neſt Men, and in honeſt Ways: However, if, in 'Truth, we have been miſtaken in ſuch our Elec- 'tion, the Particular ſhall be no ſooner diſcovered 'to us, either by our own Obſervation or other cer- 'tain Information, than we will leave them to pub- 'lic Juſtice, under the Marks of our Diſpleaſure.

'If, notwithſtanding this, any malignant Party 'ſhall take Heart, and be willing to ſacrifice the 'Peace and Happineſs of their Country to their own 'ſiniſter Ends and Ambitions, under what Pretence 'of Religion and Conſcience ſoever; if they ſhall 'endeavour to leſſen our Reputation and Intereſt, 'and to weaken our lawful Power and Authority 'with our good Subjects; if they ſhall go about, 'by diſcountenancing the preſent Laws, to looſen

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'the Bands of Government, that all Diſorder and 'Confuſion may break in upon us, we doubt not 'but God, in his good Time, will diſcover them 'unto us; and the Wiſdom and Courage of our 'High Court of Parliament join with us in their 'Suppreſſion and Puniſhment.

'Having now ſaid all that we can, to expreſs the 'Clearneſs and Uprightneſs of our Intentions to our 'People, and done all we can to manifeſt thoſe In-'tentions, we cannot but confidently believe all our 'good Subjects will acknowledge our Part to be fully 'performed, both in Deeds paſt and preſent Reſo-'lutions, to do whatſoever, with Juſtice, may be 'required of us; and that their Quiet and Proſperity 'depends, now, wholly upon themſelves, and is in 'their Power, by yielding all Obedience and due Re-'verence to the Law, which is the Inheritance of 'every Subject, and the only Security he can have for 'his Life, Liberty, or Eſtate; and the which being 'neglected or diſeſteemed, under what ſpecious 'Shews ſoever, a great Meaſure of Infelicity, if not 'an irreparable Confuſion, muſt, without Doubt, 'fall upon them: And, we doubt not, it will be the 'moſt acceptable Declaration a King can make to 'his Subjects, That, for our Part, we are reſolved 'not only duly to obſerve the Laws ourſelf, but to 'maintain them againſt what Oppoſition ſoever, 'though with the Hazard of our Being.

'And our Hope is, That not only the Loyalty 'and good Affections of all our loving Subjects will 'concur with us, in the conſtant preſerving a good 'Underſtanding between us and our People; but 'at this Time their own and our Intereſt, and Com-'paſſion to the lamentable Condition of our poor 'Proteſtant Subjects in *Ireland*, will invite them to 'a fair Intelligence and Unity amongſt themſelves; 'ſo that we may, with one Heart, attend the relie-'ving and recovering that unhappy Kingdom, where 'thoſe barbarous Rebels practiſe ſuch inhuman and 'unheard-of Outrages upon our miſerable People, 'that no Chriſtian Ear can hear without Horror, 'nor Story parallel. And as we look upon this as

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'the greateſt Affliction it hath pleaſed God to lay upon us, ſo our Unhappineſs is increaſed, in that, 'by the Diſtempers at home, ſo early Remedies have 'not been applied to thoſe growing Evils, as the 'Expectation and Neceſſity there requires; tho', for 'our Part, as we did, upon the firſt Notice, acquaint 'our Parliament of *Scotland*, where we then were, 'with that Rebellion, requiring their Aid and Aſ-'ſiſtance, and gave like ſpeedy Intimation and Re-'commendation to our Parliament here; ſo, ſince 'our Return hither, we have been forward to all 'Things which have been propoſed to us towards 'that Work; and have lately, ourſelf, offered, by a 'Meſſage to our Houſe of Peers, and communicated 'to our Houſe of Commons, to take upon us the 'Care to raiſe, ſpeedily, 10,000 *Engliſh* Volunteers 'for that Service, if the Houſe of Commons ſhall de-'clare that they will pay them; which Particulars 'we are in a Manner neceſſitated to publiſh, ſince we 'are inform'd that the Malice of ſome Perſons hath 'whiſpered it abroad, That the no ſpeedier advan-'cing of this Buſineſs hath proceeded from ſome 'Want of Alacrity in us to this great Work; where-'as we acknowledge it a high Crime againſt Al-'mighty God, and inexcuſable to our good Subjects 'of our three Kingdoms, if we did not, to the ut-'moſt, employ all our Powers and Faculties to the 'ſpeedieſt and moſt effectual Aſſiſtance and Protec-'tion of that diſtreſſed People.

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'And we ſhall now conjure all our good Subjects, 'of what Degree ſoever, by all the Bonds of Love, 'Duty, or Obedience, that are precious to good 'Men, to join with us for the Recovery of the Peace 'of that Kingdom, and the Preſervation of the Peace 'of this; to remove all their Doubts and Fears 'which may interrupt their Affection to us, and all 'their Jealouſies and Apprehenſions which may 'leſſen their Charity to each other; and then, if the 'Sins of this Nation have not prepared an inevitable 'Judgment for us all, God will yet make us a 'great and glorious King, over a free and happy 'People."

Dec.

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Dec. 16. This Day the Committees appointed by both Houſes, brought in the Form of a Proteſtation and a Petitional Remonſtrance to the King, occaſioned by his late Speech relating to the Preſs Act [a]; which, being read, were agreed to, and ordered to be enter'd in their *Journals*. The firſt was in theſe Words:

The Proteſtation of both Houſes on occaſion of the King's Speech on the Bill for Preſſing.

'WHereas his Moſt Excellent Majeſty did, upon *Tueſday* laſt, in full Parliament, in a Speech to both Houſes, take Notice of a Bill for impreſſing Soldiers, being in Agitation in the ſaid Houſes, and not agreed upon; and did offer a *Salvo Jure*, or proviſional Clauſe, to be added to the ſaid Bill; and did at the ſame Time declare his Diſpleaſure againſt ſome Perſon or Perſons, who had moved ſome Doubt or Queſtion concerning the ſame: The Lords and Commons do proteſt and declare, That ſuch his Majeſty's Speech is contrary to the fundamental, antient, and undoubted Liberty and Privilege of Parliament; and that it doth of Right belong unto them, amongſt other Privileges of the High Court of Parliament, that the King ought not to take Notice of any Matter in Agitation or Debate, in either of the Houſes of Parliament, but by their Information or Agreement; and that his Majeſty ought not to propound any Condition, Proviſion, or Limitation, to any Bill or Act, in Debate or Preparation, in either Houſe of Parliament; or to manifeſt or declare his Conſent or Diſſent, Approbation or Diſlike of the ſame, before it be preſented unto him by the Conſent of both Houſes; and that every particular Member, of either Houſe, hath free Liberty of Speech to propound or debate any Matter, according to the Order and Courſe of Parliament; and that his Majeſty ought not to conceive Diſpleaſure againſt any Man for ſuch Opinions and Propoſitions as ſhall be delivered in ſuch Debate; it belonging to the ſeveral Houſes of Par-

[a] The former of theſe is not in *Ruſhworth*.

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'Parliament respectively to judge and determine such 'Errors and Offences, in Words or Actions, as shall 'be committed by any of their Members, in hand- 'ling or debating any Matters there depending.— 'And, for the Preservation of the said Privileges 'for the Time to come, they do ordain and appoint, 'That this their Protestation and Declaration shall 'be entered in both Houses; and that an humble 'Remonstrance and Petition shall be framed and pre- 'sented to his Majesty, in the Name of both Houses, 'declaring this their antient and undoubted Right; 'humbly desiring his Majesty to observe and main- 'tain the said Privileges; and that he will not take 'Notice of any particular Man's Speech or Car- 'riage concerning any Matter in Treaty and Debate 'in Parliament, or conceive any Offence or Dis- 'pleasure for the same; but that he will discover, 'declare, and make known, the Name or Names 'of the Person or Persons, by whose Misinforma- 'tion, and evil Counsel, he was induced to the 'Breach of the Privilege of Parliament aforemen- 'tioned [m].

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December 17. This Day the Lord Archbishop of *York*, with seventeen other Lords and forty Commoners, waited on his Majesty, at *Whitehall*, with their Petitionary Remonstrance; which was read to him, in these Words:

To the KING's *Most Excellent* MAJESTY,

The HUMBLE REMONSTRANCE *and* PETITION *of the Lords and Commons in* PARLIAMENT.

'*Most Gracious Sovereign*,

'YOUR Majesty's most humble and loyal Sub- 'jects, the Lords and Commons in Parlia- 'ment, do, with all Faithfulness and Zeal to your 'Majesty's

Their Remonstrance and Petition on the same Subject.

[m] Lord *Clarendon* writes, That Mr. Solicitor *St. John* advised the King to come to the House upon this Occasion; and that what the King said were the very Words he had propos'd to him.

Vol. I. 8vo. *Ed.* p. 327.

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'Majeſty's Service, acknowledge your Royal Favour and Protection to be a great Bleſſing and Security to them, for the enjoying and preſerving 'of all thoſe public and private Liberties and Privileges which belong unto them: And, whenſoever 'thoſe Liberties or Privileges ſhall be invaded or 'broken, they hold themſelves bound, with Humility and Confidence, to truſt to your Princely 'Juſtice for Redreſs and Satisfaction. And, becauſe 'the Rights and Privileges of Parliament are the 'Birth-right and Inheritance, not only of themſelves, but of the whole Kingdom, wherein every 'one of your Subjects is intitled, (the Maintenance 'and Preſervation whereof doth very highly conduce to the Public Peace and Proſperity of your 'Majeſty, and all your People) they conceive 'themſelves more eſpecially obliged, with all Tenderneſs and Care, yea, with all Earneſtneſs and 'Conſtancy of Reſolution and Endeavours, to 'maintain and defend the ſame.

'Amongſt other the Privileges of Parliament, 'they do, with all dutiful Reverence to your moſt 'Excellent Majeſty, declare, That it is their antient 'and undoubted Right, that your Majeſty ought 'not to take Notice of any Matter in Agitation and 'Debate in either of the Houſes of Parliament, but 'by their Information or Agreement; and that 'your Majeſty ought not to propound any Condition, Proviſion, or Limitation, to any Bill or 'Act in Debate or Preparation in either Houſe of 'Parliament, or to manifeſt or declare your Conſent or Diſſent, Approbation or Diſlike, of the 'ſame, before it be preſented to your Majeſty in due 'Courſe of Parliament; and that every particular 'Member of either Houſe hath free Liberty of 'Speech to propound or debate any Matter, according to the Order and Courſe of Parliament; and 'that your Majeſty ought not to conceive Diſpleaſure againſt any Man for ſuch Opinions and Propoſitions as ſhall be in ſuch Debate; it belonging 'to the ſeveral Houſes of Parliament, reſpectively, 'to judge and determine ſuch Errors and Offences,

'which

'which, in Words or Actions, shall be committed by any of their Members, in the handling or debating any Matters there depending. They do further declare, That all the Privileges above-mentioned have been lately broken, to the great Grievance of your most humble and faithful Subjects, in that Speech which your Majesty made in Parliament to both Houses, on *Tuesday* last, the fourteenth Day of this instant Month of *December*, in that your Majesty did therein take Notice of a Bill for impressing of Soldiers, being in Agitation in the said Houses, and not agreed upon; and that your Majesty did therein offer a *Salvo Jure*, or provisional Clause, to be added to that Bill, before it was presented to your Majesty by the Consent of both Houses; and did, at the same Time, declare your Displeasure against such Person or Persons, as had moved some Doubt or Question concerning the same Bill: All which they do affirm and declare to be against the antient, lawful, and undoubted Privilege and Liberty of Parliament. An. 17. Car. I. 1641. December.

'And, further, they most humbly beseech your Majesty, by your Royal Power and Authority, to maintain and protect them in these and other the Privileges of your High Court of Parliament; that you will not, for the Time to come, break or interrupt the same; and that none of your loyal Subjects may suffer and sustain any Prejudice in your Majesty's Favour, or good Opinion, for any Thing done or spoken in Parliament: And, for the Reparation of your loyal Subjects in this just Grievance and Complaint for the Breaches of their Privileges above-mentioned, and Prevention of the like for the Time to come, that your Majesty will be pleased to declare, and make known, the Name or Names of the Person or Persons by whose Misinformation and evil Counsel your Majesty was induced to the same, that so he or they may receive condign Punishment, as shall appertain to Justice in that Behalf. And this they most humbly desire, as your greatest and most

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'faithful Council; and adviſe your Majeſty to per-
'form, as that which will be not only a Comfort to
'themſelves, but likewiſe a great Advantage to
'your Majeſty, by procuring and confirming ſuch a
'Confidence and Unity betwixt your Majeſty and
'your People, as may be a Foundation of Honour,
'Safety, and Happineſs, to your Perſon, and your
'Throne, as they are bound always to pray for
'and endeavour [m].'

After the Lords returned to their Houſe, the Archbiſhop of *York* reported 'That they had waited on the King with the Remonſtrance; and his Majeſty ſaid, *He would ſend an Anſwer to it, in Writing, in convenient Time.* But Mr. *Pymme*'s Report of it in the Houſe of Commons was more particular: He ſaid, 'That the Committee had a ſudden Admittance and a gracious Acceptance: That his Majeſty ſaid, *As it had taken ſome Time to prepare, ſo he would take ſome Time to anſwer it; and that, leſt there might be ſome Miſtakes in Words, he would give his Anſwer in Writing.*

December 18. This Day the King, at the Requeſt of both Houſes, agreed to a Faſt to be obſerved, as a Day of Humiliation for the Miſeries of *Ireland*; on the 22d, by the Lords and Commons; the 23d for the City of *London*; and that Day Month for the whole Kingdom. The Lord Archbiſhop of *York* [n], and the Lord-Primate of *Ireland* [o] were ordered to preach before the Lords; and Mr. *Calamy* and Mr. *Marſhal* before the Commons.

A Meſſage was brought from the Lower Houſe, by Mr. *Arthur Goodwin*, to accuſe *Daniel O'Neal*, Eſq; of High Treaſon; and that the Commons would bring up particular Articles againſt him in due

[m] *Whitlocke* obſerves, 'That indifferent Men wondered both at the King's Speech, which gave the Cauſe of Exception, and was, indeed, notoriouſly againſt the Courſe and Privilege of Parliament, that his Council ſhould not inform him thereof: And they alſo apprehended this Petition ſomewhat too rough in the Expreſſions of it to their King. *Memorials*, p. 48.

[n] Dr. *John Williams*. [o] Dr. *James Uſher*.

due Time; upon which the said *O'Neal* was brought to the Bar of the Lords, and was committed to the *Gatehouse*. An. 17. Car. I. 1641. December.

The Attorney-General was heard, in the King's Behalf, on the Press-Act; after which it was ordered by the Lords, That the Debate on that Bill should be on *Monday* next: But this was diverted by a Committee of Lords and Commons being ordered to attend the King, at *Whitehall*, that Day, to receive his Majesty's Answer to the late Remonstrance; which was soon after read in the House of Lords, *in hæc Verba* [p]:

My Lords and Gentlemen,

IN Answer to your Petition, concerning our Speech to both Houses, the 14*th Day of* December *last*, *We do declare, first, That we had no Thought or Intention of breaking the Privileges of Parliament; neither are we satisfied, that our being informed of any Bill transmitted by the House of Commons to the House of Peers, especially where our learned Counsel are admitted, by the Peers, to speak on our Behalf, as they were in this Case, and therefore our Direction necessary therein, can be judged any Breach of the Privileges of Parliament.* The King's Answer thereto.

And as to our taking Notice thereof, and desiring the Insertion of a saving Clause of our Rights, we neither willingly nor knowingly did any Thing to the Breach of the Privileges of Parliament; but what we did therein was out of the great Zeal we had, and ever shall have, to the Suppressing the Rebellion in Ireland, *the quick Dispatch of which Bill contributed so much to the effecting thereof; and it could not but have received great Delay, had it passed both Houses in a Way we could not have given our Royal Assent to.*

Neither had we any Intention to express our Displeasure against any particular Man, for any Opinion or Propositions delivered, by way of Debate, in either

[p] From the *Lords Journals*: This Answer is not in *Rushworth*.

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House; for our Intention was to express a general Dislike of any Questions, that should be raised, especially at this Time, concerning our Prerogative and the Liberty of the Subject; such as this is being but a Preamble, which might be left out, without Prejudice to the Claim, and could not be approved by us, without concluding our Right.

As to the last Demand, That we should declare the Persons that gave us Information; it is no great Wonder that we should get Information of the Contents of the Bill, since they were published in Print before we spoke of them. Yet, tho' we should have got Notice otherwise, it is a Thing much beneath us to name any that should give us Information or Counsel; it being that which we do not impose upon any Person of Honour.

Our Conclusion is, That we had not the least Thought of breaking the Privileges of Parliament; but shall, by our Royal Authority, ever protect and uphold them; and we expect, that you will be as careful not to trench upon our just Prerogative, as we will not infringe your just Liberties and Privileges; and then there will be little Disagreement, hereafter, between us in that Point.

This being read to the House, the Lords first ordered, 'That a Transcript of the King's Answer should be sent down to the Commons; and that it should be taken into Consideration, by themselves, on *Thursday* the 23d.'

Farther Proceedings towards suppressing the Rebellion in *Ireland*.

December 21. The *Irish* Affairs being still very pressing, and no Redress yet had, the two Houses of Parliament seemed to blame each other for the Neglect. This Day Sir *Philip Stapylton* was sent up with a Message to the Lords, importing, 'That the Commons had, in the last Conference, laid before their Lordships the miserable State of that Kingdom, and desired them to take the Business into speedy Consideration: That they now understand that *Dublin* is in great Danger to be lost, 600 Men being cut off by the Rebels in going to relieve *Tredagh*, the Commons therefore desire that all Means may be used for the Preservation of that King-

Kingdom; and they conceive the beſt Way to do it is, by way of Diverſion, to ſend the *Scots* into the Province of *Ulſter*, ſpeedily: Therefore that Houſe deſired their Lordſhips to join with them in the Propoſitions received from the *Scots* Commiſſioners for that Purpoſe: The Commons declaring, That, if there be any Omiſſion, they deſire to clear themſelves from any thing that may fall on *Ireland*.' An. 17. Car. I. 1641. December.

Upon this the Lords voted, That 10,000 *Engliſh* Soldiers were neceſſary to be ſent, with as many *Scots*, into *Ireland*; but miſtruſting that the Commons would not agree to this, at a Conference this Day, the Lords made the following Propoſitions to the other Houſe:

1. 'They deſired to know what Certainty that Houſe would give this, that if the Propoſition concerning the preſent going of 10,000 *Scots*, be agreed unto, 10,000 *Engliſh* may ſpeedily follow.

2. 'Whether they would concur with this Houſe, that one Army ſhould go as ſoon as the other; and that the King may be moved to give his Aſſent to it.'

The Houſe of Commons taking theſe Propoſitions into Conſideration, at another Conference the ſame Day, returned for Anſwer,

1. 'For the Certainty which their Lordſhips deſire of ſending 10,000 *Engliſh* into *Ireland*, the Commons ſay, It is not the Courſe of Parliament, nor hath been practiſed, for one Houſe to capitulate with the other: That their Actions are free; as without Conditions, ſo without Capitulation; and the Houſe of Commons deſire it may be ſo no more.

2. 'The Houſe of Commons think they have given ſufficient Certainty already, having formerly voted the ſending over 10,000 *Engliſh*, and tranſmitted the ſame to their Lordſhips; therefore they think it not neceſſary to vote it again: But do deſire their Lordſhips would vote the ſending of 10,000 *Scots* over, by itſelf, without any Relation to the *Engliſh*, and that ſpeedily, the Safety of *Ireland* depending upon it; for they conceive the 10,000 *Engliſh* cannot go untill the Preſs-Act paſſes.'

After

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After the hearing of this, the Lords went into a Debate of the Matter, and came to this Reſolution, *Nem. Con.* 'That 10,000 *Engliſh* and 10,000 *Scots* ſhall be ſent into *Ireland*;' and ſome Members of the other Houſe waiting in the *Painted-Chamber* for an Anſwer, the Lords ſent to acquaint them with this Vote. It was likewiſe ordered by the Lords, 'That the Committee for keeping a good Correſpondency between both Houſes, ſhould meet on *Friday* next, to take into Conſideration this laſt Meſſage from the Commons.——Both Houſes adjourned to the 23d, on account of the Faſt-Day.

10,000 *Engliſh* and 10,000 *Scots* voted to be ſent over for that Purpoſe.

December 23. Some other Affairs, relating to the *Scots* Commiſſioners, were tranſacted, not very material; but, on this Day, another Matter happened, which occaſioned a freſh Rupture between the two Houſes. The Houſe of Commons repreſented to the Lords, that they had received Information that Sir *William Balfour*, Knt. Lieutenant of the *Tower* of *London*, approved for his Fidelity [q], was put out of his Place, and one Colonel *Lunsford* put in; a Man very unfit to be truſted with a Poſt of that Importance.

The Commons deſire the Lords to join in a Petition for removing the Lieutenant of the *Tower*;

To back this, the Commons ſent up a Petition from divers Common-Council-Men and others of the City, giving a very bad Character of the ſaid Colonel, and of which they inſtanced ſome Circumſtances: That he was a Man of decayed and deſperate Fortune; an Outlaw; and one ſuſpected to be not right in his Religion, ſince, in the Time he was an Officer in the King's Army in the North, he did not go to Church, though deſired: Therefore they requeſted the Lords to join with them in a Petition to the King, to remove him, and put Sir *John Coniers* in his Room. After a long Debate, next Day, on this Affair, the Queſtion was put, Whether that Houſe ſhould join with the Commons in the Matter of this Petition? It was reſolved in the Negative; and order'd that they ſhould be acquainted therewith.

Which the Lords refuſe.

The

[q] In the Caſe of the Earl of *Stafford*'s intended Eſcape. See Vol. IX.

The Reason of the Lords refusing to join in this Petition, was, That they took the placing or displacing of the King's Officers to be a Branch of his Prerogative; and therefore they would not meddle with it. An. 17. Car. I. 1641. December.

The House of Commons, on this Refusal, passed the following Vote: Resolved, *Nem. Con.* That this House holds Colonel *Lunsford* unfit to be, or continue, Lieutenant of the *Tower*, as being a Person whom the Commons of *England* cannot confide in.' Another Conference was also held upon this Subject, which was thus reported by the Lord-Keeper, 'That the House of Commons greatly desired, that both Houses might have joined together in an humble Petition to his Majesty, for removing Colonel *Lunsford* from being Lieutenant of the *Tower* of *London*: That they say, they find ill Consequences already by his being in that Office; for Merchants have already withdrawn their Bullion out of the Mint; and Strangers, who have Ships lately come with great Store of Bullion, do forbear to bring it into the Mint, because he is Lieutenant of the *Tower*; and, by this Means, Money will be scarce to come by, which will be prejudicial and obstructive to the pressing Affairs of *Ireland*: That the House of Commons took it much to Heart, that their Lordships did not join with them to petition his Majesty; whereupon they have made a Declaration for themselves, and desire that the same may be entered into the Journal-Book of this House, as they have done the like in their House; which was read in these Words:'

The Declaration of the Commons thereupon.

'WE the Knights, Citizens, and Burgesses of the Commons House of Parliament, being very sensible of the great and imminent Danger of the Kingdom, through the Designs of the Papists, and other Persons disaffected to the public Peace; and finding, by frequent and imminent Symptoms, that the same groweth very near to Maturity, amongst which we reckon this not to be the least, That the *Tower*, being a Place

'of

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of such Importance to the Safety of the City and the whole Kingdom, should be put into the Hands of a Man so unworthy, and of so dangerous a Disposition, as, by divers Testimonies, Colonel *Lunsford* is affirmed to be; which caused us Yesterday, upon the Petition of the City of *London*, to desire your Lordships to join with us in an humble Suit to his Majesty, that a Place of that great Consequence might not be disposed in such a Manner as to hazard the Safety, Peace, and Content of the City and of the whole Kingdom; and, perceiving that your Lordships have refused to join with us in so important and necessary a Request, do hereby declare, before God and the whole Kingdom, That, from the Beginning of this Parliament, we have done our uttermost to preserve the State from Ruin; and having, thro' God's Blessing, prevailed so far, that the Design of the *Irish* Army of Papists; the other Designs of bringing up the *English* Army, several Times attempted; a former Plot of possessing the *Tower*, without which Treason could not be so mischievous to the State, were all prevented; although strongly bent to the Destruction of Religion, the Parliament and the Commonwealth: We do now find ourselves encountered with as great Difficulty as ever, the Papists Rebellion in *Ireland* giving such Encouragement to the malignant Party here, and they likewise receiving such Advantage, by the Delays and Interruptions which we have received in the House of Peers, as we conceive, by the great Number of Bishops and Papists, notoriously disaffected to the Common Good: And do therefore hold ourselves bound in Conscience to declare and protest, That we are innocent of the Blood which is like to be spilt, and of the Confusions which may overwhelm this State, if this Person be continued in his Charge; and do intend to resort to his Majesty, in an humble Petition, that he will be pleased to afford us his Royal Protection, that the Kingdom and ourselves may be preserved from this wicked and dangerous Design;

and

'and that he will grant such Commissions and In- An. 17. Car. I.
'structions as may enable us to defend his Royal 1641.
'Person, and his loyal Subjects, from the Cruelty December.
'and Rage of the Papists, who have long plotted
'and endeavoured to bring in a bloody Change of
'Religion, to the apparent Ruin of the whole
'Kingdom; and if any of your Lordships have the
'same Apprehensions that we have, we hope they
'will likewise take some Course to make the same
'known to his Majesty; and will further do what
'appertains to Persons of Honour and Fidelity for
'the Common Good.'

After the reading of this Paper it was moved, by some Lords, to adjourn the Debate of this Matter till *Monday* the 27th; others proposed it might be debated presently. And the Question being put, Whether the Debate upon this Report shall be put off untill *Monday* next, or not? it was resolved in the Affirmative. Whereupon the following Protest was entered in their *Journals:*

'IN respect the Conference brought up, and re- A Protest of some
'ported from the House of Commons, doth, Peers on that
'as it is thereby declared, concern the instant Good Occasion.
'and Safety of the King and Kingdoms; We do
'protest against the deferring of the Debate thereof
'untill *Monday*, to the end we may discharge our-
'selves of any ill Consequence that may happen.

NORTHUMBERLAND, *Lord Admiral,*
ESSEX, *Lord Chamberlain,*
PEMBROKE,
BEDFORD,
WARWICK,
BOLINGBROKE,
NEWPORT,
SAY *and* SELE,
SUFFOLK,
CARLISLE,
HOLLAND,
CLARE,
STAMFORD,
WHARTON,
ST. JOHN,
SPENCER,
NORTH,
KYMBOLTON,
BROOK,
GREY *de* Werke,
ROBERTS,
HOWARD *de* Escrick.

Both

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Both Houſes, on account of *Chriſtmas*, adjourned for two Days, being the laſt Time that Feſtival was obſerved at all by this Parliament.

Complaint concerning a Report of ſome Members being in a Plot for ſeizing the Queen and her Children.

December 27. This Day another Affair was ſtarted in the Houſe of Lords. Information was given to that Houſe, that ſome Members of both Houſes have had falſe Rumours reported of them: That during the Time the King was laſt in *Scotland*, it was told the Queen, That, at a Meeting at *Kenſington*, (where the Earl of *Eſſex*, the Earl of *Newport*, the Lord Viſcount *Say* and *Sele*, the Lord *Mandeville*, the Lord *Wharton*, Members of this Houſe; and the Lord *Dungarvon*, Mr. *Nathaniel Fiennes*, Sir *John Clotworthy*, and Mr. *John Pymme*, Members of the Houſe of Commons, were preſent) upon a Diſcourſe of Plots that ſhould be done in this Kingdom or in *Scotland*, the Earl of *Newport* ſhould ſay, *If there be ſuch a Plot, yet here are his Wife and Children*; meaning that the Perſons of the Queen and her Children ſhould be ſeïzed upon.

Upon this the Earl of *Newport* ſtood up, and gave the Houſe this Account, That, hearing of ſuch an Information which had been preſented to the Queen, he went with ſome other Lords and waited on her Majeſty; and, with many Proteſtations, aſſured her, That never any ſuch Words were ſpoken, nor the leaſt Thought thereof conceived of any ſuch Fact; with which the Queen ſeemed to reſt ſatisfied: But, upon *Friday* laſt, his Majeſty aſked him, *Whether he heard any Debate at* Kenſington, *about ſeizing upon the Queen and her Children*; which the Earl denying, his Majeſty replied, *That he was ſorry for his Lordſhip's ill Memory.*

The Houſe conſidering this Information to be of Conſequence; and, becauſe ſeveral Members of the Commons were concerned in it, reſolved to have a Conference with that Houſe about it; that ſo they might ſearch into this Buſineſs, and that the Bottom of it might be found out, and the Reporter of this falſe Rumour brought to condign Pu-

Punishment: And the Lord Archbishop of *York*, the Lord-Admiral, Earl of *Bristol*, Earl of *Holland*, Lord *Roberts*, and Lord *Savil*, were ordered to draw up Heads for that Conference,

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December 28. Mr. *Glynne* presented from the Committee appointed to draw up a Petition to be presented to his Majesty, concerning a Scandal laid upon some Members of both Houses, the following, which was agreed to.

To the KING's Most Excellent Majesty,

The HUMBLE PETITION of the LORDS and COMMONS in this present Parliament assembled.

The Petition of both Houses thereupon.

'WHereas, during the Time of your Majesty's last being in *Scotland*, the Queen's Majesty received Information, That, at a Meeting in *Kensington*, where the Earl of *Essex*, the Earl of *Newport*, the Lord Viscount *Say* and *Sele*, the Lord *Mandeville*, the Lord *Wharton*, Members of the Lords House; the Lord *Dungarvon*, Mr. *Nathaniel Fiennes*, Sir *John Clotworthy*, and Mr. *John Pymme*, Members of the House of Commons, were all present, when in Discourse of some Plots that should be done in this Kingdom, or in *Scotland*, the Earl of *Newport* should say, *If there be such a Plot, yet here are his Wife and Children*; insinuating the same to signify, that the Persons of her Majesty, and her Children, should be seized upon:

'And whereas your Majesty, upon *Friday* last, was pleased to demand of the Earl of *Newport*, Whether his Lordship heard any Debate at *Kensington*, about seizing upon the Queen and her Children; which when his Lordship had denied, with many and deep Asseverations, your Majesty replied, *That he was to tell your Majesty no more than you knew already; and therefore should consider well what he should answer:* And his Lordship denying it the second Time, your Majesty, parting from him, replied, *You were sorry for his*

ill

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'*ill Memory*; seeming thereby to give Credit to 'that Information.

'Which Information and Report tend not only 'to the great Scandal of the Members of both Hou-'ses of Parliament before-named, but expreſs an 'Endeavour to ſtir up Jealouſies, and work a Di-'viſion, between your Majeſty and your Parliament.

'It is therefore the humble and inſtant Deſire of 'the Lords and Commons in this Parliament, That 'your Majeſty will be pleaſed to declare who was 'the Reporter, or Reporters, of thoſe Words pre-'tended to be ſpoken at *Kenſington* by the Earl of '*Newport*; and that your Majeſty will be likewiſe 'pleaſed to move her Majeſty to diſcover who ac-'quainted her therewith: And this, as your great-'eſt and moſt faithful Council, they adviſe your 'Majeſty to perform; the Exigency of the Affairs 'of both Kingdoms being ſuch as neceſſarily require 'a ſudden Remedy; which cannot expect any Poſ-'ſibility of Succeſs, without a right Underſtanding 'between your Majeſty and the Parliament: The 'only Way of effecting whereof is, by the preſent 'Diſcovery and Removal of ill Counſels and falſe 'Informers; which, to our great Grief, we have, 'by Experience, found to be too frequent and ac-'tive in theſe dangerous Times.

This Petition having been preſented to the King, his Majeſty returned the following Anſwer:

My Lords and Gentlemen,

The King's Anſwer.

IT is true that I have heard Rumours of ſome Propoſitions that ſhould have been made at Kenſington, *for the ſeizing of the Perſons of my Wife and Children. And, in Things of ſo high a Nature, it may be fit for any Prince to inquire, even where he hath no Belief nor Perſuaſion of the Thing; ſo I have aſked* Newport *ſome Queſtions concerning that Buſineſs, but far from that Way of expreſſing a Belief of the Thing, which* Newport *hath had the Boldneſs and Confidence to affirm; which I could eaſily make appear, but I think it beneath me to conteſt with any particular Perſon.*

Perſon. But let this ſuffice, That I aſſure you, I neither did nor do give Credit to any ſuch Rumour. As for telling the Name of him who informed me, I do ſtick to the Anſwer which I gave to your laſt Petition upon the like Particular.

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Multitudes of People being this Day aſſembled, in all the Places leading to both Houſes of Parliament, the general Cry of whom was, *No Biſhops, No Biſhops*; a Fray enſued, in which ſome Gentlemen, of the oppoſite Party, drew their Swords, and wounded ſome of the Mob: Hereupon the Lords ſent to deſire a Conference with the other Houſe on theſe Heads;

Riots and Tumults about both Houſes increaſe.

1*ſt*, To deſire the Houſe of Commons to join with them in a Declaration, to be printed and publiſhed, of their Diſlike of the aſſembling of the People in ſuch Companies and Diſorders about the Houſes of Parliament [r].

Votes and Orders of the Lords thereupon.

2*dly*, Likewiſe to deſire his Majeſty, That the Houſes of Parliament may have a Guard; and that the Commons would give an Anſwer with ſuch Speed as the Neceſſity of the Occaſion required.

This Day, alſo, it was reſolved by the Lords, upon the Queſtion, 'That this Parliament is a free Parliament at this preſent.'

December 29. The Lords began again with the Buſineſs of the Tumults, and ordered the Sheriffs of *London* and *Middleſex*, and ſome of the Juſtices of Peace for *Weſtminſter*, to attend their Houſe, and give Reaſons why they had neglected to prevent the Coming of the Concourſe of People to that Place; and why they have neglected to obſerve the King's Writ, for ſuppreſſing and preventing of Tumults and Riots. They anſwered, 'That the Juſtices of

[r] Lord *Clarendon* writes, 'That upon the Receipt of this Meſſage in the Houſe of Commons, ſome Members urged, 'That they 'muſt not diſcourage their Friends, this being a Time they muſt 'make uſe of all Friends; Mr. *Pymme* himſelf ſaying, 'God forbid 'the Houſe of Commons ſhould proceed in any Way to diſhearten 'People to obtain their juſt Deſires in ſuch a Way.'

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of the Peace opened the Writ, and granted out Warrants to the Conſtables, who ſent Guards to the Houſes of Parliament; and, upon this, they were queſtioned by the Houſe of Commons, and the Guards diſmiſſed.' Hereupon the Judges were ordered to withdraw, to conſider what was fit to be done; who returned for Anſwer, 'That the beſt Way to ſuppreſs Tumults, was to put in Execution the Statute of 13. *Henry* IV. *Cap.* 7.' This not being thought ſufficient, they were again aſked, What was the uſual Practice, in other Courts, to prevent Tumults and Routs? The Judges ſaid, 'That it was uſual in their Courts, at Aſſizes, to prevent ſuch Diſorders, for the Sheriff of the County to attend all the while, with a competent Number of Men.' Upon which the Lords ordered, 'That the Under-ſheriff of *Middleſex*, and two of the Juſtices of Peace for *Weſtminſter*, ſhould hereafter attend that Houſe, *de Die in Diem*, and receive Directions from them for the ſuppreſſing of ſuch Tumults.'

In a Debate in the Houſe of Commons this Day, on theſe riotous Proceedings, we meet with a Speech of one Mr. *Smith*, in theſe Words [s]:

Mr. *Smith*'s Speech in the Houſe of Commons on this Occaſion.

Mr. Speaker,

'THE Buſineſs we have now in Agitation (concerning the *Iriſh* Affairs, and the Treaty with the *Scots* Commiſſioners for their timely Aſſiſtance of Aid, being to be determined this Day) is of great Conſequence and Weight; even of ſuch Importance, that I have not read of greater. When the greateſt Troubles were in that Kingdom, in Queen *Elizabeth*'s Reign, of good Memory, theſe Troubles, being comparatively ſimilized with them, are of far greater Danger: And I would to God we might ſo agree with the Lords, that a ſpeedy Concurrence might be had with the *Scots*, towards the Relief of *Ireland*.

'Yet

[s] From the original Edition, printed by *Abel Roper*, 1641. It is neither in *Ruſhworth* or *Nalſon*. There being ſeven Members of the Name of *Smith*, we cannot diſtinguiſh which of them ſpoke on this Occaſion.

'Yet notwithſtanding, Mr. Speaker, the Great- An. 17. Car. I. 1641. December.
neſs of this Rebellion, and moſt outrageous Cruelties committed daily by the Rebels, hazarding nearly the Loſs of that Kingdom, without ſpeedy Help, (which takes up all our Debates and Arguments) if we remove not therewith all ſuch Impediments here at home, as do hinder our ſpeedy Proceeding, not only in that Buſineſs, but in the ſettling of the Peace and Quiet of this Kingdom, all our Endeavours in the ſuppreſſing the Rebels in *Ireland* will little avail.

'Mr. Speaker, under Favour of this Honourable Aſſembly, I intend to give you a Touch of ſuch Lets which do much hinder us, as I conceive, in expediting the great Affairs of Church and State, and our Proceedings againſt Incendiaries and Delinquents in the ſame.

'We have daily, you know, Mr. Speaker, received Petitions from the Citizens of *London*, ſome of them having been delivered by good Hands, and Men of good Worth and Quality; which we have willingly taken, and I doubt not but we ſhall, in due Time, give them good Satisfaction in anſwering of them.

'Likewiſe we have received Petitions from abrupt and diſorderly Perſons, without any Matter that may deſerve our Conſideration; but are fitter to be rejected, as I, under Favour, conceive.

'But, Mr. Speaker, that which I intend to intimate to you, as the greateſt Stop to our Proceedings, is the riotous and tumultuous Aſſembly of vain and idle Perſons; who preſume to begirt our Houſe, not only in an irregular Manner to prefer their Petitions, but, with open Clamour, would preſcribe us what Laws to enact, and what not; what Perſons to proſecute, and who not.

'Theſe tumultuous Perſons, Mr. Speaker, take up a great deal of our precious Time in anſwering and appeaſing them; when, as I conceive, other Buſineſs, more nearly concerning the Welfare and Security of his Sacred Majeſty and his Kingdoms,

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lies even as it were gaſping, and ready to periſh for want of our timely Aſſiſtance.

'Mr. Speaker, our Patience, I perſuade myſelf, is one of the greateſt Cauſes that animates and encourages theſe illegal Outrages; and if ſome Rebukes were miniſtred from the Houſe to them, they would not, ſurely, be ſo audacious.

'It is true, Mr. Speaker, I confeſs, that their Trading is decayed, and it is hard for many of them to ſubſiſt with their Families, occaſioned by our ſlow Proceedings againſt Delinquents; the Reaſon whereof they are uncapable of judging, neither, as I conceive, ſhould they be made acquainted with, otherwiſe than to underſtand that their unſeaſonable and unfitting Repair to this Houſe is one principal Cauſe thereof.

'Therefore, Sir, I conceive, the beſt and ſpeedieſt Means for ſuppreſſing of theſe Tumults will be, to have a ſtrict Guard kept about the Houſe, with a Command not only, by Perſuaſion, to avert their Reſort hither, but to ſhoot at them, if they obſtinately refuſe to be perſuaded; and likewiſe that, in the City of *London* and Suburbs, diligent Search may be made for Papiſts and Recuſants, by ſome truſty Officers appointed by the Houſe for that Purpoſe, who ſhall apprehend them, if they find them armed with any Weapons, and bring them before a Committee, for Examination, appointed for that Purpoſe: For, Mr. Speaker, Papiſts, as well as others, reſort hither from ſeveral Places, as I am informed; which theſe tumultuous Perſons pretend is one great Cauſe of their meeting here; and when they perceive that Papiſts and Recuſants are proſecuted according to the Laws of this Kingdom, in that Caſe enacted, they will have leſs Cauſe to trouble us. This is my humble Motion.

'And truly, Sir, if I may ſpeak my Mind herein, I perſuade myſelf that, unleſs the Laws be put in Execution, and that with Severity and Speed, againſt ſome of the greateſt Recuſants, to make them exemplary to the reſt, neither this City, nor other Places

Places of this Kingdom, can be secure from their Devilish Practices and Plots; and that our too favourable Proceeding against them, if so continued, may cause our too late Repentance, if any of their perverse and wicked Stratagems should take Effect, which God forbid. And I heartily wish that such Course may be taken, by the Blessing of the Almighty on our Endeavours, that all the Inhabitants of his Majesty's Kingdoms, that are true Christians and loyal Subjects, may for ever lye down in Peace and rise in Safety, to which I shall always say *Amen.*'

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We find also a Speech of Bishop *Hall*'s, about this Time, in the House of Lords, but the Day is not mentioned. This Speech is the last made in that House, by one of his Order [q].

My Lords,

'I Have long held my Peace, and meant to have done so still; but now, like to *Crœsus*'s mute Son, I must break Silence: I humbly beseech your Lordships to give me Leave to take this too just Occasion to move your Lordships to take into your deep and serious Consideration, the woful and lamentable Condition of the poor Church of *England*, your dear Mother. My Lords, this was not wont to be her Style: We have heretofore talk'd of the famous and flourishing Church of *England*; but now your Lordships must give me Leave to say, that the poor Church of *England* humbly prostrates herself at your Lordships Feet, (next after his Sacred Majesty) and humbly craves your Compassion and present Aid.

Bp. *Hall*'s Speech in Defence of the Church and Clergy.

'My Lords, it is a foul and dangerous Insolence this, which is now complained of to you; but it is but one of a hundred of those which have been of late done to this Church and Government.

'The Church of *England*, as your Lordships cannot chuse but know, hath been, and is miserably infested on both Sides; with Papists on the one

[q] From the Edition of his Works, in *Folio*, 1683.

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Side, and Schiſmaticks on the other. The *Pſalmiſt* hath, of old, diſtinguiſh'd the Enemies of it into wild Boars out of the Wood, and little Foxes out of the Boroughs; the one whereof goes about to root up the very Foundations of Religion; the other, to crop the Branches, and Bloſſoms, and Cluſters thereof; both of them conſpire the utter Ruin and Devaſtation of it: As for the former of them, I do perceive a great deal of good Zeal for the Remedy and Suppreſſion of them; and I do heartily congratulate it, and bleſs God for it, and beſeech him to proſper it in thoſe Hands who ſhall undertake and proſecute it; but for the other, give me Leave to ſay, I do not find many that are ſenſible of the Danger of it, which yet, in my Apprehenſion, is very great and apparent.

'Alas! my Lords, I beſeech you to conſider what it is that there ſhould be in *London*, and the Suburbs and Liberties, no fewer than fourſcore Congregations of ſeveral Sectaries, as I have been too credibly informed, inſtructed by Guides fit for them, Coblers, Taylors, Felt-makers, and ſuch-like Traſh, which are all taught to ſpit in the Face of their Mother, the Church of *England*, and to defy and revile her Government: From hence have iſſued thoſe dangerous Aſſaults of our Church-Governors; from hence that Inundation of baſe and ſcurrilous Libels and Pamphlets, wherewith we have been of late over-borne, in which Papiſts and Prelates, like Oxen in a Yoke, are ſtill match'd together. Oh! my Lords, I beſeech you that you will be ſenſible of this great Indignity: Do but look upon theſe Reverend Perſons: Do not your Lordſhips ſee here ſitting upon theſe Benches, thoſe that have ſpent their Time, their Strength, their Bodies, and Lives, in preaching down, in writing down, Popery? And which would be ready, if Occaſion offer'd, to ſacrifice all their old Blood that remains, to the Maintenance of that Truth of God, which they have taught and written; and ſhall we be thus deſpitefully ranged with them, whom we do thus profeſſedly oppoſe? But, alas! this is but one of

of thoſe many ſcandalous Aſperſions, and intolera- An. 17. Car. I. 1641.
ble Affronts, that are daily caſt upon us. December.

'Now, whither ſhould we, in this Caſe, have Recourſe for a needful and ſeaſonable Redreſs? The Arm of the Church is, alas! now ſhort and ſinewleſs; it is the interpoſing of your Authority that muſt reſcue us: You are the eldeſt Sons of your dear Mother the Church, and therefore moſt fit and moſt able to vindicate her Wrongs: You are *Amici Sponſæ*; give me Leave, therefore, in the Bowels of *Chriſt*, humbly to beſeech your Lordſhips to be tenderly ſenſible of theſe woful and dangerous Conditions of the Times; and if the Government of the Church of *England* be unlawful and unfit, abandon and diſclaim it; but, if otherwiſe, uphold and maintain it: Otherwiſe, if theſe lawleſs Outrages be yet ſuffered to gather Head, who knows where they will end!

'My Lords, if theſe Men may, with Impunity and Freedom, thus bear down Eccleſiaſtical Authority, it is to be feared they will not reſt there, but will be ready to affront Civil Power too. Your Lordſhips know, that the *Jack Straws*, and *Cades*, and *Wat Tylers* of former Times, did not more cry down Learning than Nobility; and thoſe of your Lordſhips that have read the Hiſtory of the Anabaptiſtical Tumults at *Munſter*, will need no other Item; let it be enough to ſay, that many of theſe Sectaries are of the ſame Profeſſion.

'Shortly, therefore, let me humbly move your Lordſhips to take theſe Dangers and Miſeries of this poor Church deeply to Heart; and, upon this Occaſion, to give Order for the ſpeedy redreſſing of theſe horrible Inſolencies, and for the ſtopping of that Deluge of libellous Invectives wherewith we are thus impetuouſly overflown: Which, in all due Submiſſion, I humbly preſent to your Lordſhips wiſe and religious Conſideration.'

In another Place, the ſame Prelate gives us the following Account of the before-mentioned Tu-

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His Account of the Tumults:

mults [r]. 'The Rout did not ſtick openly to profeſs, That they would pull the Biſhops in Pieces. Meſſages were ſent down to them from the Lords; but they ſtill held firm, both to the Place and their bloody Reſolutions. It now grew to be Torch-Light, and one of the Lords (the Marquis of *Hertford*) came up to the Biſhops Form, and told us we were in great Danger, adviſing us to take ſome Courſe for our own Safety; and, being deſired to tell us what he thought the beſt Way, counſelled us to continue in the Parliament Houſe all that Night; 'For, ſaid he, theſe People vow they will watch 'you at your going out, and will ſearch every 'Coach for you with Torches, ſo as you cannot 'eſcape.' Hereupon the Houſe of Lords was moved for ſome Order for the preventing theſe mutinous and riotous Meetings, and Meſſages were ſent down to the Houſe of Commons, to this Purpoſe, more than once; but nothing was effected: However, for the preſent, (for ſo much as all the Danger was at the Riſing of the Houſe) it was earneſtly deſired of the Lords that ſome Care might be taken of our Safety. The Motion was received by ſome Lords with a Smile; ſome other Lords, as the Earl of *Mancheſter*, undertook the Protection of the Archbiſhop of *York*, and his Company, (whoſe Shelter I went under) to their Lodgings; the reſt, ſome of them by their long Stay, others by ſecret and far-fetch'd Paſſages, eſcaped home: Therefore it was not for us to venture any more to the Houſe without ſome better Aſſurance.'

Lord *Clarendon* adds, [s] 'That the Mob laid Hands on the Archbiſhop of *York*, going to the Houſe of Peers, in that Manner, that if he had not been ſeaſonably reſcued, it was believed they would have murdered him: So that all the Biſhops, and many Members of both Houſes, withdrew

[r] In a ſmall Tract, intitled, *Hard Meaſure*, printed in his Works.

[s] *Hiſtory of the Rebellion*, p. 338.

drew themſelves from attending, from a real Apprehenſion of endangering their Lives [t].' An. 17. Car. I. 1641. December.

The ſame Day, *Dec.* 29, the Lord Chamberlain, by Command, delivered this Meſſage from the King, 'That his Majeſty being very ſenſible of the great Miſeries and Diſtreſſes of his Subjects in *Ireland*, which daily increaſed ſo faſt, and the Blood which had already been ſpilt, by the Cruelty and Barbarouſneſs of the bloody Rebels, crying ſo loud; and perceiving how ſlowly the Succours, deſigned there, go on, his Majeſty thought good to let their Lordſhips know, and deſired them to acquaint the Houſe of Commons therewith, That he would take Care that, by Commiſſion, which he would grant, 10,000 *Engliſh* Volunteers ſhould be ſpeedily raiſed for that Service, if the Houſe of Commons will declare that they would pay them.' This Meſſage the Lords ordered to be delivered to the Commons, at a Conference; but we find no more Notice taken of it at this Time. The King's Meſſage for raiſing Volunteers, for ſuppreſſing the *Iriſh* Rebellion.

Inſtead of that, there came up a Meſſage from the Commons, by Mr. *Holles*, as an Anſwer to the late Propoſitions from the Lords concerning a Guard, 'That they would agree with their Lordſhips, in all good and lawful Means, for the Safety of the Parliament; but, for printing a particular Declaration, the Commons ſaid, they had entered into Debate thereof, and found it to be a Thing of great Conſideration, and would require Time to think of it. As concerning a Guard; that Houſe agreed to it, provided it be ſuch as the Parliament did approve of, and that it be commanded by the Earl of *Eſſex*.

'Further, the Houſe of Commons deſired that their Lordſhips would be pleaſed to remember, That there were two Bills depending before them; one concerning the preſſing of Soldiers for the Service of

[t] The following Lines in *Hudibras* ſeem to allude to this very Tranſaction:

When Zeal, with aged Clubs and Gleaves,
Gave Chace to Rochets and Lawn Sleeves.
Hudibras, Part 3. Canto 2.

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of *Ireland*, and the other for preſſing of Seamen for the Defence of both *England* and *Ireland*; which they deſired their Lordſhips would ſpeedily paſs; without which, they conceived, *Ireland* cannot be ſaved.'

The Lords return'd for Anſwer, to this Meſſage, 'That they would take the two Bills into Conſideration with all convenient Speed.'

Another Meſſage was brought up, the ſame Day, from the Commons, by Sir *Philip Stapylton*, to this Purport, 'That the Houſe of Commons find, by common Fame, that it was ſaid in the Houſe of Lords, by the Lord *Digby*, and offered to be juſtified by him, *That the Houſe of Commons had invaded the Privileges of the Houſe of Lords, and the Liberty of the Subject*; and that he did likewiſe ſay, *That this was no free Parliament*: The Houſe of Commons therefore deſired, that if theſe Words were ſpoken by him, that Right might be done to the Commons of *England* againſt the Lord *Digby*; and if no ſuch Words were ſpoken by him, that then a Declaration be ſet forth by their Lordſhips, to quit the Houſe of Commons of that Scandal.'

Complaint againſt the Lord *Digby* for aſperſing the Commons;

The Anſwer returned was, 'That the Lords would take this Meſſage into Conſideration, and ſend to the Commons by Meſſengers of their own.' In the mean Time the Words, in the aforeſaid Meſſage, were referred to the Committee for keeping a good Correſpondency between the two Houſes.

The Commons ſent up, by Mr. *Holles*, another Meſſage to the Lords, importing, 'That they had received Information of great Diſorders committed between their Houſe and *Charing-Croſs*; that certain Perſons, in the Habit of Gentlemen, and reported to be Officers in the late *Engliſh* Army, and who were now in *Whitehall*, or ſome Places thereabouts, back'd and countenanced by a Guard of Train'd Bands, attending about *Whitehall*, iſſued out in Numbers and aſſaulted the King's Subjects going and returning, in the King's Peace, to and from the Parliament; tho' offering to them, as they were credibly informed, no Offence at all, and twenty or thirty

And againſt ſeveral Gentlemen for appearing in Arms.

thirty of them sore wounded. This the House of Commons conceived to be a high Violation of the Liberty of the Subject, and an Affront to the Parliament; and what would, in the End, strike an Awe and Terror into them, if not prevented by the Wisdom of their Lordships and the House of Commons. An. 17. Car. I. 1641. December.

'That the Commons were likewise informed, by a Member of their own House, that he, going from the House to their Lordships, thro' the Churchyard, found there a Guard of Soldiers; and inquiring of them by whose Command they were there, they answered, By the Lord Archbishop of *York*'s. That, Whether this ought to be suffered, to have Guards set about the Parliament, in this Manner, to the Terror and Affray of the People, the Commons submit to their Lordships Judgment; and therefore, to prevent all Inconveniences, the House of Commons desire to have a Guard; otherwise there will follow certain Mischief in the End; which the House of Commons foreseeing gave their Lordships timely Warning, that, if it should so happen, they might clear themselves to all the World.

'*Lastly*, he said, In order that there might still be a free Parliament, he was commanded to desire their Lordships, according to their own Propositions, and upon such Conditions as the House of Commons consented to, That their Lordships would presently join with them in an humble Petition to his Majesty, that the Parliament may have a Guard, to be approved of by both Houses, and commanded by the Earl of *Essex*.'

When this Message was delivered, a long Debate ensued amongst the Lords; and, at last, the Question being put, That the House would join with the Commons in an humble Petition to his Majesty, to desire that the Parliament may have a Guard, *&c.* as in the Message, it passed in the Negative.

December 30. The Lord Keeper signifying to the House, That the King had commanded him to deliver a Petition to their Lordships, which had been presented to him, it was ordered to be read.

To

An. 17. Car. I. 1641. December.

To the KING's Moſt Excellent Majeſty, and to the LORDS and PEERS now aſſembled in Parliament,

The HUMBLE PETITION and PROTESTATION of all the Biſhops and Prelates, now called by his Majeſty's Writs to attend in Parliament, and preſent about *London* and *Weſtminſter* for that Purpoſe. [u]

The Proteſtation of the Biſhops againſt all Proceedings during their forced Abſence from the Houſe.

THAT whereas the Petitioners are called up by ſeveral and reſpective Writs, and under great Penalties, to attend in Parliament; and have a clear and indubitable Right to vote in Bills and other Matters whatſoever debatable in Parliament, by the antient Cuſtoms, Laws, and Statutes of this Realm; and ought to be protected by your Majeſty, quietly to attend and proſecute that great Service;

They humbly remonſtrate and proteſt before God, your Majeſty, and the Noble Lords and Peers now aſſembled in Parliament, that, as they have an indubitable Right to ſit and vote in the Houſe of Lords, ſo are they (if they may be protected from Force and Violence) moſt ready and willing to perform their Duties accordingly; and that they do abominate all Actions or Opinions tending to Popery, and the Maintenance thereof; as alſo all Propenſion and Inclination to any malignant Party, or any other Side or Party whatſoever, to the which their own Reaſons and Conſciences ſhall not move them to adhere.

But whereas they have been, at ſeveral Times, violently menaced, affronted, and aſſaulted by Multitudes of People in their coming to perform their Service in that Honourable Houſe; and lately chaſed away, and put in Danger of their Lives; and can find no Redreſs or Protection, upon ſundry Complaints made to both Houſes, in theſe Particulars;

They likewiſe humbly proteſt; before your Majeſty and the Noble Houſe of Peers, that, ſaving unto them-

[u] Mr. *Whitlocke*, by Miſtake, ſays this Petition was preſented on the 12th of *January*——There are ſeveral Anachroniſms in his *Memorials*, as appears by Compariſon with the *Journals*.

themselves all the Rights and Interests of sitting and voting in that House at other Times, they dare not sit or vote in the House of Peers, untill your Majesty shall further secure them from all Affronts, Indignities, and Dangers in the Premises. An. 17. Car. I. 1641. December.

Lastly, *Whereas their Fears are not built upon Phantasics and Conceits, but upon such Grounds and Objects as may well terrify Men of good Resolutions and much Constancy, they do, in all Duty and Humility, protest, before your Majesty, and the Peers of that Most Honourable House of Parliament, against all Laws, Orders, Votes, Resolutions, and Determinations, as, in themselves, null, and of none Effect; which, in their Absence, since the 27th of this Instant* December, 1641, *have already passed; as likewise against all such as shall hereafter pass in that Most Honourable House, during the Time of this their forced and violent Absence from the said Most Honourable House: Not denying, but, if their absenting of themselves were wilful and voluntary, that Most Noble House might proceed in all these Premises, their Absence, or this their Protestation, notwithstanding: And humbly beseeching your Most Excellent Majesty to command the Clerk of the House of Peers to enter this their Petition and Protestation amongst his Records, they will ever pray God to bless and preserve,* &c.

Jo. Eborac'	Guil. Bath & Welles.
Tho. Duresme'	Geo. Hereff'
Rob. Co. Liche'	Matth. Elien'
Jos. Norwic'	Godfrey Gloucest'
Jo. Asaphen'	Jo. Petriburg'
Ro. Oxon'	Morg. Llandaff'

This Petition being read, the Lords sent a Message to the House of Commons, by two of the Judges, to desire a present Conference by a Committee of both Houses, touching Matters of dangerous Consequence. A Conference being held immediately, the Lord-Keeper, in the Name of the House of Peers, declared, 'That this Petition and Protestation of the twelve Bishops, containing Mat-

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Matters of high and dangerous Conſequence, and ſuch as the Lords are very ſenſible of, and ſuch as require a ſpeedy and ſudden Reſolution, it extending to the deep intrenching upon the Fundamental Privileges and Being of Parliaments; therefore the Lords have thought fit that this Matter, concerning the whole Parliament, may be communicated to the Houſe of Commons, it being a Thing of ſo great, ſo general, a Concernment.

Whereupon the Commons reſolve to charge them with High Treaſon.

The Biſhops Petition being thus communicated to the Houſe of Commons, they came to a Reſolution, To accuſe thoſe twelve Biſhops of High Treaſon, for endeavouring to ſubvert the Fundamental Laws and Being of Parliaments. And Mr. *Glynne* was ordered to go to the Lords, and, at their Bar, in the Name of the Houſe of Commons, and all the Commons of *England*, to accuſe theſe twelve Prelates of High Treaſon, for endeavouring to ſubvert the Fundamental Laws of the Realm, and the very Being of Parliaments, manifeſted by preferring that Petition and Proteſtation; and to deſire the Lords that they may be forthwith ſequeſtred from Parliament, and put into ſafe Cuſtody; and that their Lordſhips would appoint a ſpeedy Day for the Commons to charge them, and they to anſwer; for that the Commons were ready to make good their Charge. He was farther ordered to give their Lordſhips Thanks for communicating this Petition with ſo much Affection and Speed, and for expreſſing their Senſe thereof.

The proteſting Biſhops ordered into Cuſtody.

Hereupon it was ordered, 'That the Gentleman-Uſher bring the ſaid Biſhops, ſo accuſed, before the Houſe of Lords, that they might be committed to ſafe Cuſtody.' In the mean Time a Conference having been deſired by the Commons, concerning the Safety of the Kingdom and both Houſes of Parliament, the Lords went to the Conference; and, being returned, the Lord-Keeper reported it to the Houſe to this Effect:

He firſt repeated the former Meſſage from the Commons, with their Reaſons for deſiring a Guard, to which the Commons ſaid they had yet no Anſwer.

swer. They now desired their Lordships to take the following Reasons into Consideration, as an Addition to their former. An. 17. Car. I. 1641. December.

1*st*, 'The insolent and traiterous Petition and Protestation of the Bishops preferred this Day to their Lordships; which the House of Commons conceive they durst not to have done without some Back to their Design [x].

Next, 'They desire to have a Guard, because they heard the King had a Guard at *Whitehall*, as apprehending it fit; and the House of Commons conceived that those who were Enemies to the King, were likewise Enemies to the Parliament; and *so vice versa*: Therefore that House desired their Lordships to consider of these Things, and give them an Answer, whether they will join with the Commons in a Petition to the King, or not.'

Upon this another Debate arose in the House of Lords, Whether that House would recede, upon these further Reasons, from the Vote given last Night; and this Question being put, it again passed in the Negative. Afterwards, both the Vote of last Night and this, were ordered to be sent down to the Commons, as an Answer to them about a Guard.

The Lords being informed, That the Bishops, accused of High Treason, were at the Door, they were severally call'd in [y]; and first, the Archbishop of *York* [z], being brought to the Bar, and kneeling

They are all brought to the Bar of the House of Lords.

[x] Lord *Clarendon* observes, 'That the Indiscretion of these Bishops, at such a Crisis, gave so great Scandal and Offence to all those who passionately desired to preserve their Function, that they had no Compassion or Regard of their Persons, or what became of them; insomuch as, in the whole Debate in the House of Commons, there was only one Gentleman who spoke on their Behalf; and said, 'He did not believe they were guilty of High Treason, but that 'they were stark mad; and therefore desired they might be sent to '*Bedlam*.' And *Whitlocke* says, 'Divers of their Adversaries were much pleased with this unadvised Act of the Bishops, being, (as they with'd) a Way prepared by themselves for them to be set aside, and removed from the House of Lords.'

[y] All these Proceedings against the Bishops are omitted in *Rushworth*'s *Collections*, but supplied from the *Lords Journals*.

[z] Dr. *John Williams*.

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ing there as a Delinquent, was commanded to ſtand up, when the Lord-Keeper told him, 'That the Houſe of Commons, in their Name, and in the Name of all the Commons of *England*, had accuſed him and other Biſhops of High Treaſon, for endeavouring to ſubvert the Fundamental Laws of this Realm, and the Being of Parliaments, by preferring their Petition and Proteſtation, this Day, to that Houſe.

The Charge againſt them;

The Archbiſhop, at his own Requeſt, having Leave to ſpeak, ſaid, 'He would not, at that Time, make any Demurrer to the Charge, as having never heard it before; but he deſired their Lordſhips would give him Leave to do as he ſhould be adviſed, when he came to his Anſwer;' and ſo he withdrew.

And their reſpective Anſwers.

The Biſhop of *Durham*[a] was next brought to the Bar in the ſame Manner, who ſaid, 'That this was the greateſt Miſery that ever befel him, and what he did, was not with any malicious or treaſonable Intention; but going, by Chance, to the Archbiſhop of *York*'s Houſe, about two Days ago, he found ſome Biſhops there, and the Petition ſign'd by many of them; and, being deſired to ſubſcribe the ſaid Petition, he read it over, and took ſome Exceptions to it; but was drawn in by Inducements, or rather Seducements, and that he did ſubſcribe it only to preſerve his Right of voting in Parliament: And, deſiring their Lordſhips to have Pity upon him, as being a Man of great Years, he withdrew.

The Biſhop of *Norwich*[b] came next to the Bar, and, after hearing his Accuſation, ſaid, 'This was the heavieſt Affliction ever came to him; he profeſſed it was far from his Thoughts to be guilty of an Offence of ſo high a Nature, and confeſſed he ſubſcribed the Petition and Proteſtation; but deſired the reſt of his Brethren, the Biſhops, that it might

[a] Dr. *Thomas Moreton*. [b] Dr. *Joſeph Hall*.

might be very well considered before it was pre- An. 17. Car I.
sented; but whether it was so he knew not [c].' 1641.

Next December.

[c] The following Account is given by this Bishop, in a Piece of his before-mentioned, intitled *Hard Measure*, wherein, after reciting the Tumults about the House of Lords, and the Resolution of the Bishops to forbear any longer Attendance on that Account, he proceeds thus: 'The Archbishop of *York* sent for us to his Lodging at *Westminster*; laid before us the perilous Condition we were in; advis'd, for Remedy, (except we meant utterly to abandon our Right, and to desert our Station in Parliament) to petition both his Majesty and the Parliament, That, since we were legally called by his Majesty's Writ to give our Attendance in Parliament, we might be secured in the Performance of our Duty and Service, against those Dangers that threaten'd us; and, withall, to protest against any such Acts as should be made during the Time of our forced Absence, for which he assured us there were many Precedents in former Parliaments; and which if we did not, we should betray the Trust committed to us by his Majesty, and shamefully betray and abdicate the due Right both of ourselves and Successors. To this Purpose, in our Presence, he drew up the said Petition and Protestation, avowing it to be legal, just, and agreeable to all former Proceedings; and, being fair written, sent it to our several Lodgings for our Hands, which we accordingly subscribed, intending yet to have had some further Consultation concerning the delivering and whole Carriage of it: But e're we could suppose it to be in any Hand but his own, the first News we heard was, that there were Messengers addressed to fetch us in to the Parliament upon an Accusation of High Treason. For whereas this Paper was to have been delivered first to his Majesty's Secretary; and, after Perusal by him, to his Majesty; and after, from his Majesty, to the Parliament; and for that Purpose to the Lord-Keeper, the Lord *Littleton*, who was the Speaker of the House of Peers: All these professi'd not to have perus'd it at all; but the said Lord-Keeper, willing enough to take this Advantage of ingratiating himself with the House of Commons and the Faction, to which he knew himself sufficiently obnoxious, finding what Use might be made of it by prejudicate Minds, read the same openly in the House of Lords; and, when he found some of the Faction apprehensive enough of Misconstruction, aggravated the Matter as highly offensive, and of dangerous Consequence; and thereupon, not without much Heat and Vehemence, and with an ill Preface, it was sent down to the House of Commons, where it was entertained heinously; *Glynne*, with a full Mouth, crying it up for no less than High Treason; and some comparing, yea preferring, it to the Powder Plot.'

Lord *Clarendon*, after confirming most of the foregoing Particulars, tells us, 'That the Archbishop of *York* sent for all the Bishops who were then in Town to his House, and proposed, as absolutely necessary, 'That they might unanimously, and presently, prepare a Protestation, to send to the House, against the Force that was used 'upon them, and against all the Acts which were or should be done 'during the Time that they should, by Force, be kept from doing 'their Duties in the House.' And immediately, having Pen and Ink ready, himself prepared a Protestation; which, being read to them, they all approved, depending upon his great Experience in the

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Next the Biſhop of *Coventry* and *Litchfield*[d] was brought to the Bar, who ſaid, 'He ſubſcribed the Petition, but craved their Lordſhips beſt Conſtruction of it, for he did it not with any traiterous Intention; and ſubmitted himſelf to the Pleaſure of the Houſe.'

The Biſhop of *St. Aſaph*[e] confeſſed 'He ſubſcribed the Petition; but did it as Matter of Form, becauſe the reſt of the Biſhops, his Brethren, had done ſo: That Thoughts of Treaſon were far from his Heart, and deſired their Lordſhips Favour and Compaſſion towards him.'

The Biſhop of *Bath* and *Wells*[f] acknowledged, 'That he had ſet his Hand to the ſaid Petition, without any ill Intent; and deſired of his Brethren that it might be well conſidered before it was delivered; and that all the Biſhops had ſet their Hands thereto.'

The Biſhop of *Hereford*[g] ſaid, 'That when Time was fitting he would make his humble Anſwer to the Charge; but deſired to ſay nothing for the preſent.'

The Biſhop of *Ely*[h] deſired their Lordſhips to excuſe him now for ſpeaking, leſt he ſhould do himſelf more Hurt by that than by Silence.

The Biſhop of *Oxford*[i] own'd, 'He ſign'd alſo; but his Offence was thro' Ignorance; and therein crav'd their Lordſhips Compaſſion.'

The Biſhop of *Glouceſter*[k] ſaid, 'That it did appear he was one of the laſt that ſubſcribed; that it

the Rules of the Houſe where he had ſat ſo many Years, and, in ſome Parliaments, in the Place of Speaker, whilſt he was Keeper of the Great Seal; and ſo preſuming that he could commit no Error in Matter or Form, and without further Communication and Advice, which both the Importance of the Subject and the Diſtemper of the Times did require, and that it might have been conſidered as well what was fit, as what was right; without farther Delay than what was neceſſary for the fair writing and ingroſſing of the Inſtrument they had prepared, they all ſet their Hands to it.'

d Dr. *Robert Wright*.
e Dr. *John Owen*.
f Dr. *William Piers*.
g Dr. *John Coke*.
h Dr. *Matthew Wren*.
i Dr. *Robert Skinner*.
k Dr. *Godfrey Goodman*.

it was not done with any traiterous Intent, but through Ignorance; and ſubmitted himſelf humbly to the Wiſdom of the Houſe.' An. 17. Car. I. 1641. December.

The Biſhop of *Peterborough* [l] made much the ſame Confeſſion as the former.

The Biſhop of *Landaff* [m] made a longer Anſwer to his Charge, but all to the ſame Purport; 'That it was done through Ignorance and Indiſcretion, and that he had no Deſign to overthrow the Fundamental Laws of the Land; he deſired he might not feel the Weight of their Lordſhips Juſtice, but be admitted to their Mercy; and that he might be bailed upon good Security.'

After hearing all theſe Arraignments, the Lords ordered ten of the Biſhops to be committed Priſoners to the *Tower*; but the Biſhops of *Durham* and of *Coventry* and *Litchfield* were remitted to the Cuſtody of the Black Rod [n].

The Biſhop of *Wincheſter* [o] being all this Time in the Houſe, it was moved, That it ſhould be put to him to anſwer, whether he conſented to, or diſclaimed, the ſaid Petition, before he be allowed to ſit and vote in the Houſe. The Biſhop hereupon anſwering, 'That he never knew any Thing of the Matter,' the Lords gave him Leave to read the Petition; after which he ſaid, 'He never read it before, and he did now utterly diſclaim it.' With which Anſwer the Houſe was ſatisfied.

The ſame Day that the Proceedings went thus vigorouſly on againſt the Biſhops in the Houſe of Lords, the following Speech was made in the Houſe of Commons by Mr. *Rowſe* [p], Member for *Truroe*,

[l] Dr. *John Warner*. [m] Dr. *Morgan Owen*.

[n] Biſhop *Hall* ſays, 'Theſe two had this Favour by reaſon of their great Age; which, though deſired by a Noble Lord on his Behalf, was not yielded to.'

[o] Dr. *Walter Curle*.

[p] From a Manuſcript, purchaſed at the Sale of the *Harleyan* Library. It is not in any of the Collectors of theſe Times.

An. 17. Car. I. 1641. against filling up some Bishopricks, at this Time vacant [q].

December.

Mr. Speaker,

Mr. *Rouse*'s Speech against filling up five vacant Bishopricks.

'YOU may remember the Report made, about two Months since, by Mr. *Woodward*, of an Order from his Majesty, sent out of *Scotland*, for drawing up of certain *Congè d'Eslires* for the electing of five new Bishops, whereof two are made and consecrated; and that I then moved petitioning his Majesty to stay the making of them [r]; but other Business, of greater Consequence for the present, hindered my enlarging such Reasons as I conceived of Weight to stop the Proceedings concerning them.

'And now, Mr. Speaker, under Favour of this Honourable House, I intend to give you some further Ground of my Opinion then, That it was not, neither is it yet convenient, as I under Favour conceive, they should be made Bishops.

'Mr. Speaker, you know the Proceedings against those Bishops, which have been great Delinquents in this State, and that we have prosecuted them to an Impeachment of High Treason; which was a main Ground of my Opinion for the then averting that intended Business of making these new Bishops, till that great Affair was brought to a Period.

'And, Mr. Speaker, I persuade myself, that there are as great Delinquents, to their Power, amongst the Inferior Clergy, as the Bishops. I speak not with an Intent you should conceive that I reflect any-

[q] These were *Worcester*, *Lincoln*, *Exeter*, *Bristol*, and *Chichester*. The first was vacant by the Death of Bishop *Thornborough*; and the others by the Translation of Bishop *Williams* to *York*, Bishop *Hall* to *Norwich*, Bishop *Skinner* to *Oxford*, and Bishop *Duppa* to *Sarum*. The Persons nominated to these Sees by the King were Dr. *Prideaux*, the King's Professor of Divinity in *Oxford*; Dr. *Winniffe*, Dean of St. *Paul's*; Dr. *Brownerigg*, Master of *Catherine-Hall*, in *Cambridge*; Dr. *Westfield*, of *Great St. Bartholomew's*, *London*; and Dr. *Henry King*, Dean of *Litchfield*. Of these Lord *Clarendon* says, 'They were all of great Eminency in the Church; frequent Preachers; and not a Man to whom the Faults of the then governing Clergy were imputed, or against whom the least Objection could be made.

[r] See before, p. 22.

anywiſe upon the Perſons of thoſe that are elected or made; but that untill the others that are impeached be proceeded againſt, either to their Condemnation or otherwiſe, as by the Parliament they ſhall be found guilty, the Election of new ones may be a while procraſtinated and delayed. An. 17. Car. I. 1641. December.

'Mr. Speaker, we have, as Occaſion has ſerved us, had many Debates and Arguments about the quite taking away of Biſhops, and many Diviſions in the Houſe have been concerning the ſame; and altho' their Continuance hath been voted, yet the Manner of their Government is not determined.

1*ſt*, 'Then, as I conceive, It can neither be requiſite nor convenient to make new Biſhops, till a certain Form of their Government be fully concluded and ſettled by the whole State of this Kingdom.

2*dly*, 'Mr. Speaker, If we ſhould give Way to the making of theſe Biſhops, great Prejudice may follow before we can ſettle them in ſuch a Government as may agree moſt for the Security and Safety, both of this Kingdom, and the Fundamental Points and Principles of the Doctrine of the Church of *England*: For, Mr. Speaker, notwithſtanding our Proceedings againſt Delinquents, both in Church and State, how many Petitions and Complaints have we daily received againſt pernicious and dangerous Tenets in Doctrine, beſides ſcandalous and ſlanderous Aſperſions delivered by divers of the Clergy in their Sermons, and otherwiſe, ſince the Sitting of this preſent Parliament; which, out of Doubt, are favoured, nay animated and encouraged, by the Biſhops; which doth much trouble many People, and is a great Cauſe of their Continuance in Evil, and obſtinate Maliciouſneſs of a great many of good Quality and Eſtimation? And then for new Biſhops to be made, altho', perchance, Men of great Learning and Judgment, before the Parliament hath fully agreed on the Manner of their Government, and Proceedings to proſecute and puniſh ſuch Delinquents as have been perverſe Inſtruments in the Church, to withdraw the Affections of many, other-

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wise perhaps well affected, from the right settling of true Religion, with such Discipline congruent thereunto, that should be the best Means to procure the everlasting Peace of King and People! The Inconveniences and dangerous Consequences that may happen hereupon, may yet be worse than the former we have had too much Experience of.

3*dly*, 'I conceive by making of these Bishops, when they shall be admitted to sit in the House of Lords, their Votes there, although voted down in this House, yet not being agreed unto by the Lords, may be a great Hinderance in our Proceedings to settle such a Form of Government in Religion, as shall, by the Parliament, be thought requisite; all of them contriving to continue their old Form and Power of Government. And their Votes, you know, Mr. Speaker, have prevailed much in that House, many of the Lords (I could wish not so many) being much inclined towards them, and too willing to comply with them in their Designs; but I hope, by God's Blessing, and our Endeavours, we shall, in Time, by Degrees remove such Impediments, both in Church and State, as hinder our happy Proceedings in redressing such Things that are amiss in the same.

4*thly*, 'I conceive, Mr. Speaker, the Non-concurrence among ourselves concerning their Consecration, to be of Weight for the staying the making of these Bishops; which I desire may not be conclusive, till the other Things before-mentioned, for the Settlement of Religion and Punishment of Delinquents be agreed unto; that then such as shall be, by this wise Council of State, thought fit to bear any Office in the Church in Places of Government, may be, by the same, tried and proved in their Learning, Judgment, and the Holiness of their Lives and Conversations; that so having not only able, but godly Men set in Places of Authority, we may expect the well Government of the Inferior Clergy.

'I desire, Mr. Speaker, not to be misconceived in this my Speech, concerning the Stay of making these Bishops, yet unconsecrated. I speak not of

their

their Uncapableneſs or Unworthineſs for ſuch Places of Government, not doubting but that they are as able and fit for the ſame as any other; but the Intent of my Speech and humble Motion is, That only, for the Reaſons before ſpecified, they may not yet be made and conſecrated, till ſuch Time as all Things for the well Government of the Church be fully concluded and ſettled, which God grant; that having reformed all Diſorders, both in Church and State, we may every one ſit ſecurely under his own Vine and Figtree, and reap and enjoy the Fruit of his own Labour.' An. 17. Car. I. 1641. December.

December 31. The Lords ſent a Meſſage to the Commons, to let them know what they had done in the laſt Affair of the Biſhops, and likewiſe to acquaint them, That their Lordſhips had ordered the Biſhops to put in their Anſwers to the Impeachment on this Day Se'nnight.

The ſame Day alſo the Lords received a Meſſage from the Commons, to remind them, 'That whereas, divers Months ago, the Houſe of Commons ſent up a Bill for taking away the Votes of the Biſhops in their Houſe; which the Commons ſuppoſe had been interrupted by other Buſineſs their Lordſhips have been engaged in, they now deſired the ſaid Bill may be conſidered of with all Expedition, becauſe they conceived it to be a Matter of great Concernment.' The Lords anſwer'd, 'That they would take the ſaid Bill into Conſideration in convenient Time.' The Commons preſs forward the Proſecution of the impeached Biſhops;

The Houſe of Commons, finding that the Lords would not join with them in petitioning the King for a Guard, this Day reſolv'd to do it by themſelves: Accordingly ſeven of that Body, of which Mr. *Holles* was to be their Speaker, were ordered to attend his Majeſty, and deliver to him the following Meſſage:

Moſt Gracious Sovereign,

'WE are ſent by the Knights, Citizens, and Burgeſſes of the Houſe of Commons, your faithful and loyal Subjects, who are ready And petition the King for a Guard.

An. 17. Car. 1. 1641. December.

'to lay down their Lives and Fortunes, and ſpend 'the laſt Drop of their Blood, to maintain your 'Crown and Royal Perſon in Greatneſs and Glo-'ry; and do, by us, caſt themſelves down at your 'Royal Feet, to preſent unto your Majeſty their 'humble Deſires upon their great Apprehenſions 'and juſt Fears of miſchievous Deſigns and Prac-'tices to ruin and deſtroy them.

'There have been ſeveral Attempts, heretofore, 'to bring Diſtraction upon their whole Body at 'once, and Threats and Menaces againſt particu-'lar Perſons: There is a malignant Party, bitterly 'invenomed againſt them, daily gathering Strength 'and Confidence, and now come to ſuch Height, 'as they have given ſome the Boldneſs to embrue 'their Hands in the Blood of your Subjects, in the 'Face and at the Doors of the Parliament, and at 'your Majeſty's own Gates; and have given out 'inſolent and menacing Speeches againſt the Par-'liament itſelf. This cauſeth great Diſtractions 'amongſt the People in general, and ſuch Fears and 'Apprehenſions in the Houſe of Commons, that 'they conceive they cannot, with the Safety of 'their Perſons, (upon which the Safety and Peace 'of the whole Kingdom doth now depend) ſit any 'longer unarm'd and unguarded as they are: They 'have therefore their Recourſe unto your Majeſty, 'moſt humbly beſeeching you, that it may ſtand 'with your good Liking if they provide for their 'own Safety; which the very Law of Nature and 'Reaſon doth allow unto them. It is their humble 'Deſire, that they may have a Guard out of the 'City of *London*, commanded by the Earl of *Eſſex*, 'Lord-Chamberlain of your Majeſty's Houſhold, 'of whoſe Fidelity to your Majeſty and the Com-'monwealth they have had long Experience. By 'this your Majeſty's Grace and Favour, you will 'remove their Fears, fill them with Comfort and 'Aſſurance, and enable them to ſerve your Ma-'jeſty in ſuch a Way as ſhall render your Maje-'ſty and your Government happy and glorious. 'And to this they do moſt humbly deſire your Ma-'jeſty's

'jesty's gracious and speedy Answer, because their 'Safety, and the Safety of the whole Kingdom, de- 'pends upon it, and will not admit of any Delay.' An. 17. Car. I. 1641. December.

The Substance of this Message being first delivered by Word of Mouth, the King desired to have it in Writing, which was delivered to his Majesty accordingly: But the Commons receiving no present Answer, ordered that Halberts should be provided, and brought into the House, for their own better Security; which was done, and the said Halberts stood in the House for a considerable Time afterwards.

At a Conference this Day, *Dec.* 31, with the Lords, about an Information the Commons had received of the Lord *Digby*'s having, in a Speech, reflected on their Proceedings, Mr. *Pymme* spoke as follows[m]:

My Lords,

'THE Knights, Citizens, and Burgesses of the House of Commons, now assembled in Parliament, have commanded me to present to your Lordships this Information which they have received against the Right Honourable *George* Lord *Digby*, of such dangerous Consequence, that, if not prevented, evil and troublesome Events may ensue; to the great Hazarding the Peace of this Kingdom, and the great Hinderance of the happy Proceedings of this Parliament. Mr. *Pymme*'s Speech, at a Conference, against Lord *Digby*.

'My Lords, I humbly crave your Patience to declare to your Lordships what I am commanded concerning the said Information, which is, That he, the said Lord *Digby*, should give forth Report, upon reading the late Petition and Protestation of the twelve Bishops, *That the present Parliament was a forced one; and that the Acts, Votes, and Laws that should be enacted therein, without the Votes and Assents of the Bishops, are void and of none Effect, and not binding to the Subject.*

'My

[m] From the Manuscript last mentioned.

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'My Lords, this Report is of great Danger to the State, if proved againſt the ſaid Lord, in theſe three Reſpects, as I, under your Lordſhips Favour, conceive:

Firſt, 'It is a great Breach of the Rights and Privileges of Parliament.

Secondly, 'It intrencheth much on the Prerogative of the King, and abridges his Royal Power.

Thirdly, 'It is the firſt Step to bring into this State an arbitrary and tyrannical Form of Government.

Firſt, 'My Lords, it is a Breach of the Privileges of Parliament, for theſe Reaſons:

1*ſt*, 'It is againſt the free Votes of Parliamentary Proceedings; which ought to be reſerved and unqueſtionable during the free Sitting thereof.

2*dly*, 'It is againſt the late Act of Parliament, in that Caſe made and provided, for not adjourning or abrupt breaking up of the ſame. This Act, my Lords, was freely voted by both Houſes; freely and willingly paſſed by his Majeſty, without any Force or compulſory Means uſed by any, or private working of any of the Members of either Houſes to induce his Majeſty to do the ſame: An Act voted as well by the ſaid Lord, as the reſt of this Honourable Houſe. This Report, therefore, of his, muſt needs be againſt his Knowledge and former free Conſent in paſſing that Act.'

3*dly*, 'One Privilege of Parliament, and that is one of the greateſt, is to accuſe and freely proceed to the Puniſhment of Delinquents that have cauſed the Troubles in this State, both in Church and Commonwealth. This Report is againſt this Privilege; it oppoſes altogether our Proceedings againſt the Biſhops, accuſed as the greateſt Delinquents both in Church and State: For, my Lords, if the Parliament is forced in the Abſence of the Biſhops, how may then the Parliament proceed lawfully againſt them? If the Biſhops ſit and have their Votes, altho' Delinquents, in Parliament, how can we proceed, I beſeech you, againſt their Votes? Therefore, under Favour, I conclude this Report

of

of the ſaid Lord is againſt this Privilege of Parliament. An. 17. Car. I. 1641. December.

4*thly*, 'To redreſs the Grievances of the Commonwealth, is a Privilege of Parliament. This Report is againſt this Privilege. How, I pray you, my Lords, can our Grievances be redreſſed, when the Oppreſſions, Injuſtice, and vexatious Troubling of his Majeſty's loyal Subjects, by the Biſhops, may not be call'd in queſtion, nor the Miſdoers therein proſecuted and puniſhed for the ſame?

5*thly*, 'This Report is againſt divers Acts of Parliament of this Kingdom, that have been made without the Voice of Biſhops in Parliament, as is on Record in the Parliament Rolls. And thus, my Lords, I have ſhewn you how this Report is againſt the Privileges of Parliament.

Secondly, 'My Lords, this Report intrencheth on the Royal Power and Prerogative of the King, and that in two Reſpects:

1*ſt*, 'His Royal Prerogative, in making and enacting Laws by Parliament; it reſting only in his Power to paſs or refuſe the Votes of Parliament.

'My Lords, the King of this Realm has the greateſt Prerogative (to require the Counſel and Aſſiſtance of the whole State, upon any Occaſion whatſoever, when it pleaſeth him) of any Prince in the World, except the King of *France:* And, under Favour, my Lords, I conceive a Parliament cannot be term'd forced, when it is freely called, and willingly continued by the King. I conceive, my Lords, a forced Parliament is, when againſt the free Conſent of a King and his Lords, without lawful Calling by Writ, Men aſſemble themſelves; and, by Force of Arms, ſit in Council and enact Laws, not tending to the Welfare of the Kingdom. The Parliament holden in the fourteenth Year of the Reign of *Edward* II. was a forced Parliament; the Barons coming thither with Horſe and Arms, and compelling the King to paſs what they thought proper to have enacted [n].

2*dly*,

[n] See the Proceedings of this Parliament in our Firſt Volume.

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2*dly*, 'My Lords, this Report intrencheth on the Royal Power of the King in making of Laws; for, as before I have touched, Parliaments have, without Bishops, made and enacted Laws. By this Supposition, my Lords, that Laws made without Bishops are void, Bishops, be they never so vile and disaffected to the Tranquility and Security of the State, yet must have Votes in rectifying and setting in Order such Things as are amiss in the same, as well by their own procuring as others; which is not then likely to take any good Effect: Nay, my Lords, it is too apparent they have been the greatest Oppofers of our Proceedings in this Parliament, and the chief Cause why no more is done by the same.

Thirdly and *lastly*, 'My Lords, this Report is the first Step to bring in an arbitrary and tyrannical Form of Government; and that, under Favour, for these Reasons:

1*st*, 'Free Parliaments are the securest and safest Government that ever could be found for this Nation; and that in respect of the Power and Wisdom thereof. It is upholden, defended, and preserved by the whole Body of the Kingdom; therefore powerful: The Members thereof are Men elected, one out of ten thousand, by the whole State; therefore esteemed wise: Then to oppose the Proceedings, and deny the Government thereof, is to change the same; and, if changed to another Form, (none being so secure, so powerful, and so wise) it must needs be arbitrary, and so tyrannical.

2*dly*, 'My Lords, if no Laws can be binding to the Subject, but such as are voted and assented to by the Bishops, then none can be expected but such as are destructive to the State; their Affections being altogether averted from free Parliamentary Proceedings, and their Designs only agitated for the oppofing the Government thereof; and we cannot but daily fear the utter Confusion of the same thereby.

'Now, my Lords, having, to my weak Ability, fulfilled the Command of the House of Commons, in speaking something of this Information, I am to desire

deſire your Lordſhips, in their Name, that the ſaid *George* Lord *Digby* may anſwer the ſaid Information, or otherwiſe be proceeded againſt as the Parliament ſhall think fit.' An. 17. Car. I. 1641. January.

Whether any Cenſure paſſed againſt the Lord *Digby*, on this Occaſion, does not appear by the *Journals* of either Houſe: But the Reſentment of the Commons againſt him will appear, fully, in the Sequel.

Thus ends the Calendar Year of 1641; but the *Journals* of both Houſes, with the *Statute Books*, continuing of it to *March* 25, we ſhall follow that Courſe, as we have hitherto done, in theſe Inquiries. The Reader may obſerve that Civil Diſſentions, occaſioned by real Fears and Doubts in ſome, and ſecret evil Machinations in others, were now riſen to a great Height between the Court and People: But, at the very Beginning of *January*, an Accident happened, which gave the King's Enemies the greateſt Hand they could have wiſhed for, to bring him to his Ruin. This was the haſty and ill-adviſed Step of his Majeſty's going, in Perſon, to the Houſe of Commons to demand the five Members; a Circumſtance much animadverted upon by the Hiſtorians of theſe Times, and every other Writer of *Engliſh* Hiſtory ſince. We ſhall therefore wave all Reflections on theſe Matters, and ſtrictly purſue the Thread of the *Journals*, leaving every Man at Liberty to blame or excuſe this Affair as he thinks fit.

January 3. Both Houſes met according to Adjournment; when the Commons received from the King the following Anſwer to their laſt Addreſs for a Guard:

WE have taken the laſt Meſſage from you, touching your Deſire of a Guard, into our ſerious Conſideration; and truly, with great Grief of Heart, that (after a whole Year's ſitting in Parliament, wherein you have obtained thoſe Things, for the Happineſs The King's Anſwer to the Commons Petition for a Guard.

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pineſs and Security of yourſelves, and the reſt of our Subjects, as no Age can equal) inſtead of reaping, in Peace and Tranquility, the Fruits of your Labours, and of our Grace and Affection to our People, we ſhould find Jealouſies, Diſtruſts and Fears ſtill ſo prevalent among you, as to induce you to declare them unto us, in ſo high a Meaſure as you have done at this Time.

We are wholly ignorant of the Grounds of your Apprehenſions; but this we do proteſt before Almighty God, (to whom we muſt be accountable for thoſe whom he hath intruſted to our Care and Protection) that had we any Knowledge or Belief of the leaſt Deſign in any, of Violence, either formerly or at this Time, againſt you, we would purſue them to condign Puniſhment, with the ſame Severity and Deteſtation, that we would do the greateſt Attempt upon our Crown.

We know the Duty of that Place where God hath ſet us, the Protection we owe to all our loving Subjects, and moſt particularly to you, called to our Service by our Writs; and we do engage unto you ſolemnly the Word of a King, that the Security of all, and every one of you from Violence, is, and ever ſhall be, as much our Care, as the Preſervation of us and our Children.

And, if this general Aſſurance ſhall not ſuffice to remove your Apprehenſions, we will command ſuch a Guard to wait upon you as we will be reſponſible for to him, who hath incharged us with the Protection and Safety of our Subjects.

The Attorney-General charges ſeveral Members with High Treaſon.

The ſame Day the Lord-keeper told the Houſe of Lords, That he was commanded by the King to let them know, his Majeſty had given Command to his Attorney-General, to acquaint their Lordſhips with ſome Particulars from him. Hereupon the ſaid Attorney, ſtanding up at the Clerk's Table, ſaid, 'That the King had commanded him to tell their Lordſhips, that great and treaſonable Deſigns and Practices againſt him and the State had come to his Majeſty's Knowledge; for which the King had given him Command to accuſe, and he did

did accuse the Lord *Kimbolton*, Mr. *Holles*, Mr. *Pymme*, Mr. *Hampden*, Sir *Arthur Haselrigge*, and Mr. *Strode*, of High Treason, and other high Misdemeanors, by the Delivery of the Articles, in Writing, which he had in his Hand, and which he received from his Majesty: Which Articles were read *in hæc Verba:* An. 17. Car. I. 1641. January.

I. 'THAT they have traiterously endeavoured 'to subvert the Fundamental Laws and 'Government of this Kingdom, and deprive the 'King of his Regal Power, and to place in the 'Subjects an arbitrary and tyrannical Power. The Articles against them;

II. 'That they have traiterously endeavoured, 'by many foul Aspersions upon his Majesty and his 'Government, to alienate the Affections of his 'People, and to make his Majesty odious to them.

III. 'That they have endeavoured to draw his 'Majesty's late Army to Disobedience to his Ma'jesty's Commands, and to side with them in their 'traiterous Designs.

IV. 'That they have traiterously invited and 'encouraged a foreign Power to invade his Ma'jesty's Kingdom of *England*.

V. 'That they have traiterously endeavoured to 'subvert the Rights and very Being of Parliaments.

VI. 'That, for the compleating of their trai'terous Designs, they have endeavoured, as far as 'in them lay, by Force and Terror, to compel 'the Parliament to join with them in their trai'terous Designs; and, to that End, have actually 'raised and countenanced Tumults against the 'King and Parliament.

VII. 'That they have traiterously conspired to 'levy, and actually have levied, War against the 'King.

Then Mr. Attorney said, 'That he was further charged to desire on his Majesty's Behalf,

1. 'That a select Committee, under a Command of Secrecy, may be appointed to take the Examination of such Witnesses as the King will pro-

An. 17. Car. I. 1641. January.

produce in this Buſineſs, as formerly hath been done in Caſes of like Nature, according to the Juſtice of this Houſe.

2. 'Liberty to add and alter, if there ſhould be Cauſe.

3. 'That their Lordſhips would take Care for the ſecuring of the Perſons, as in Juſtice, there ſhould be Cauſe.'

Mr. *Ruſhworth* ſays, 'Lord *Kimbolton*, being preſent in the Houſe, ſtood up and offered to obey whatever the Lords ſhould order; but prayed that, as he had a public Charge, he might have a public Clearing:' Accordingly the Lord-Steward, the Lord-Chamberlain, Earl of *Bath*, Earl of *Southampton*, Earl of *Warwick*, Earl of *Briſtol*, and Earl of *Holland*, with the Aſſiſtance of Mr. Serjeant *Whitfield* and Mr. Serjeant *Glanville*, were appointed a Committee to conſider of Precedents and Records, touching the Regularity of this Accuſation; whether there had ever been any ſuch Proceedings before in this Houſe, and whether ſuch an Accuſation may be brought by Mr. Attorney, into this Houſe, againſt a Peer.

Whereupon the Lords appoint a Committee to ſearch Precedents.

Lord *Clarendon* adds, 'The Houſe of Peers was ſomewhat apalled at this Alarm; but took Time to conſider of it till the next Day, that they might ſee how their Maſters the Commons would behave themſelves; the Lord *Kimbolton* being preſent in the Houſe, making great Profeſſions of his Innocence, and no Lord being ſo hardy as to preſs for his Commitment on the Behalf of the King.' This general Silence was the more remarkable, ſince the Noble Hiſtorian aſſures us, 'That the Lord *Digby* had promiſed the King to move the Houſe for the Commitment of Lord *Kimbolton*, as ſoon as the Attorney-General ſhould have accuſed him; which, if he had done, would probably have raiſed a very hot Diſpute in the Houſe, where many would have joined him. On the contrary, he ſeem'd the moſt ſurprized and perplex'd with the Attorney's Impeachment; and ſitting at that Time next the Lord *Kim-*

Kimbolton, with whom he pretended to live with much Friendſhip, he whiſper'd him in the Ear with ſome Commotion, (as he had a rare Talent at Diſſimulation) 'That the King was very miſchievouſly 'adviſed; and that it ſhould go very hard, but he 'would know whence that Counſel proceeded; in 'order to which, and to prevent further Miſchief, 'he would go immediately to his Majeſty;' and ſo went out of the Houſe: Whereas he was the only Perſon who gave the Counſel, named the Perſons, particularly the Lord *Kimbolton*, (againſt whom leſs could be ſaid than againſt many others, and who was more generally beloved) and undertook to prove that the ſaid Lord *Kimbolton* told the Rabble, when they were about the Parliament Houſe, 'That 'they ſhould go to *Whitehall*.'

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After ſome other Buſineſs done in the Houſe of Lords; as aſſigning Counſel for the twelve Biſhops, *&c.* a Meſſage was brought up, from the other Houſe, to deſire the Lords would be pleaſed to ſit a while, for they ſhould have Occaſion to confer with their Lordſhips about a Breach of Privilege. This being granted, a Conference was held between Committees of both Houſes; the Report of which was made by the Lord-Keeper to this Effect:

'That the Houſe of Commons apprehended the Parliament to be the great Council and the Repreſentative Body of the Kingdom, and both Houſes are but one Body of the Realm; the Privileges are as the Walls, or Sinews, of the Parliament, which being cut, Diſtraction will ſpeedily follow: That both Houſes have lately taken a Proteſtation for the Maintenance of their Privileges, Perſons, and Goods, a high Breach whereof is at this Inſtant; for divers Members of the Houſe of Commons have their Perſons aſſaulted and laid in wait for; their Chambers, Studies, and Trunks have been ranſack'd and ſeal'd up; as Mr. *Holles*, Mr. *Pymme*, and Mr. *Hampden*; beſides, the Houſe of Commons underſtand that there are Guards of Soldiers ſet ſo near the Parliament Houſe as *Whitehall*; which

The Commons deſire a Conference for Vindication of their Privileges.

An. 17. Car. I. 1641. January. which being done without Consent of Parliament, they hold it as a Breach of Privilege: The House of Commons therefore desire their Lordships would join with them in an humble Request to the King, that the Guards at *Whitehall* may be removed; and that the Parliament may have such a Guard as shall be approved on by the King and both Houses of Parliament. Also the House of Commons desire their Lordships to join with them in vindicating these Breaches of their Privileges; and, if a Guard cannot be obtained, that they will take it into Consideration to adjourn to another Place, where they may sit in Security.'

The Lords taking this Desire into Consideration, ordered, That all the Chambers, Studies, and Trunks, that were seal'd or lock'd, belonging to Mr. *Holles*, Mr. *Pymme*, Mr. *Hampden*, or to any Member of Parliament, shall be forthwith unseal'd and unlock'd, and left to their free Use and Disposal. They resolved also to join with the House of Commons, in an humble Petition to the King for a Guard, in the same Manner as had been desired, and that it should continue as long as the King and both Houses should think fit.

And both Houses address the King for a Guard, &c.

Jan. 4. This joint Petition of both Houses having been presented to the King, his Majesty said, 'That he would send an Answer to it very speedily.' But the Commons being very uneasy, they this Day renewed their Desires to the Lords, to have it done; for this Reason, 'Because they had received Information that divers Gentlemen had made their Addresses to the Gentlemen of the Inns of Court, and had dealt with them to come arm'd to *Whitehall*, when they should be required; but they had not condescended thereto. They likewise said they had met with a scandalous Paper, published abroad, to the Injury of some Members of both Houses, which contained Articles of High Treason and High Misdemeanors, against the Lord *Kimbolton*, a Member of that House, and others, Members

bers of the House of Commons; which they desired their Lordships to join with them in finding out the Authors of, and bringing them to condign Punishment for so high a Breach of the Privileges of Parliament.'—But nothing was this Day resolved on by the Lords, probably interrupted by the Affair which happened in the other House: For, An. 17. Car. I 1641. January.

The Day before the King had sent Mr. *Francis*, Serjeant at Arms, to the House of Commons; where, being admitted without his Mace, he delivered this Message;

'I am commanded by the King's Majesty, my 'Master, upon my Allegiance, that I should come 'and repair to the House of Commons, where Mr. 'Speaker is; and there to require of Mr. Speaker 'five Gentlemen, Members of the House of Com-'mons; and that these Gentlemen being delivered, 'I am commanded to arrest them, in his Majesty's 'Name, of High Treason. Their Names are, 'Mr. *Holles*, Sir *Arthur Haselrige*, Mr. *Pymme*, 'Mr. *Hampden*, and Mr. *William Strode*.' His Majesty sends a Serjeant at Arms to the Commons, to arrest the five accused Members:

The Commons immediately ordered the Chancellor of the *Exchequer*, Lord *Falkland*, Sir *Philip Stapylton*, and Sir *John Hotham*, to attend his Majesty; and acquaint him, 'That this Message was 'a Matter of great Consequence, as it concern'd the Privilege of Parliament, and therein the Privileges of all the Commons of *England*: That this House will take it into serious Consideration, and will attend his Majesty, with an Answer, in all Humility and Duty, and with as much Speed as the Greatness of the Business will permit: And that, in the mean Time, the House will take Care that those Gentlemen, mention'd in the Message, shall be ready to answer any legal Charge laid against them.' But they not being delivered up,

Then the Speaker, by Command of the House, enjoin'd those five Members, particularly, one by one, to give their Attendance on the House, *de Die in Diem*, untill further Orders: And, in the Afternoon of this Day, there is a *Memorandum* entered, That all the five Members, aforementioned,

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did appear in the Houſe, according to Yeſterday's Injunction.

Sir *John Hotham* was ordered to go to the Lords to deſire a free Conference concerning the Safety of the Kingdom and Parliament; who brought Anſwer back, That the Lords would give a preſent Meeting as was deſired.

A Meſſage from the Lords came down to the Commons, to acquaint them, 'That, according to the Agreement between both Houſes laſt Night, they had ſent the Duke of *Richmond* and the Lord Chamberlain to his Majeſty, concerning a Guard; and that the King's Anſwer was, 'That, by reaſon of ſome weighty Affairs that were now before 'him, he could not give a preſent Anſwer; but 'did believe that, either To-day or To-morrow, 'he ſhould ſend it.'

Some Members of the Commons having been ſent by that Houſe, to inquire into the Truth of a Report, That the Gentlemen of the Inns of Court came to *Whitehall*, armed; Mr. *Brown*, one who was ſent to *Lincoln's Inn*, ſaid, 'That the Gentlemen told him, they went to Court, firſt upon a general Report that his Majeſty's Perſon was in Danger * * * *

His Majeſty came into the Houſe, and took Mr. Speaker's Chair.

Gentlemen,

The King comes in Perſon to the Houſe to demand them.

I Am ſorry to have this Occaſion to come unto you. * * * * * *

Reſolved, upon the Queſtion, That the Houſe ſhall adjourn itſelf till To-morrow one of the Clock.

This is all that is enter'd in the *Journals* of the Commons relating to this extraordinary Affair: It is probable the great Confuſion the Houſe was in, at this Juncture, broke off all Punctualities in the Clerk, and prevented any further Entry about it there:

there: But Mr. *Rushworth*, then Clerk-Assistant to the House, is very explicit in his printed *Collections*; which, to make the Matter as clear as possible, we shall give in his own Words. An. 17. Car. I. 1641. January.

He begins with telling us, 'That when the five accused Members came this Day, after Dinner, into the House, they were no sooner sat in their Places, but the House was informed by one Captain *Langrish*, lately an Officer in Arms in *France*, that he came from among the Officers and Soldiers at *Whitehall*; and understanding by them, that his Majesty was coming with a Guard of Military Men, Commanders and Soldiers, to the House of Commons, he passed by them, with some Difficulty, to get to the House before them, and sent in Word how near the said Officers and Soldiers were come; whereupon a certain Member of the House having also private Intimation from the Countess of *Carlisle*, Sister to the Earl of *Northumberland*, that Endeavours would be used this Day to apprehend the five Members, the House required the five Members to depart the House forthwith, to the end to avoid Combustion in the House, if the said Soldiers should use Violence to pull any of them out. To which Command of the House four of the said Members yielded ready Obedience; but Mr. *Strode* was obstinate, till Sir *Walter Earle*, his antient Acquaintance, pull'd him out by Force, the King being at that Time entering into the *New Palace-yard*, in *Westminster*: And as his Majesty came thro' *Westminster-Hall*, the Commanders, Reformadoes, *&c.* that attended him, made a Lane on both Sides the Hall thro' which his Majesty passed, and came up the Stairs to the House of Commons, and stood before the Guard of Pensioners and Halberteers, who also attended the King's Person; and the Door of the House of Commons being thrown open, his Majesty entered the House, and as he passed up towards the Chair, he cast his Eye on the Right Hand, near the Bar of the House, where Mr. *Pymme* used to sit; but his Majesty not seeing him there, knowing him well, went up to the Chair, and said,

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By your Leave, Mr. Speaker, I must borrow your Chair a little: Whereupon the Speaker came out of the Chair, and his Majesty stepp'd up into it. After he had stood in the Chair a while, he cast his Eye upon the Members as they stood up uncovered, but could not discern any of the five Members to be there; nor, indeed, were they easy to be discerned, had they been there, among so many bare Faces all standing up together.

'Then his Majesty made this Speech:

Gentlemen,

His Speech upon that Occasion.

I Am sorry for this Occasion of coming unto you. Yesterday I sent a Serjeant at Arms upon a very important Occasion, to apprehend some that, by my Command, were accused of High Treason, whereunto I did expect Obedience, and not a Message. And I must declare unto you here, that, albeit, no King that ever was in England *shall be more careful of your Privileges, to maintain them to the uttermost of his Power, than I shall be; yet you must know, that in Cases of Treason no Person hath a Privilege; and therefore I am come to know if any of these Persons that were accused are here: For I must tell you, Gentlemen, that so long as these Persons that I have accused, for no slight Crime, but for Treason, are here, I cannot expect that this House will be in the right Way that I do heartily wish it; therefore I am come to tell you, that I must have them wheresoever I find them.—— Well, since I see all the Birds are flown, I do expect from you, that you will send them unto me as soon as they return hither. But I assure you, on the Word of a King, I never did intend any Force, but shall proceed against them in a legal and fair Way, for I never meant any other.*

And now, since I see I cannot do what I came for, I think this no unfit Occasion to repeat what I have said formerly, That whatsoever I have done in Favour, and to the Good of my Subjects, I do mean to maintain it.

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I will trouble you no more, but tell you, I do expect, as ſoon as they come to the Houſe, you will ſend them to me; otherwiſe I muſt take my own Courſe to find them. An. 17. Car. I. 1641. January.

'When the King was looking about the Houſe, the Speaker ſtanding below, by the Chair, his Majeſty aſk'd him, Whether any of theſe Perſons were in the Houſe? Whether he ſaw any of them? and where they were? To which the Speaker, falling on his Knee, thus anſwered:

May it pleaſe your Majeſty,

'I Have neither Eyes to ſee nor Tongue to ſpeak 'in this Place, but as the Houſe is pleaſed to 'direct me, whoſe Servant I am here; and hum-'bly beg your Majeſty's Pardon, that I cannot 'give any other Anſwer than this to what your 'Majeſty is pleaſed to demand of me.' And Mr. Speaker's Anſwer to the King.

'The King, having concluded his Speech, went out of the Houſe again, which was in great Diſorder; and many Members cried out aloud, ſo as he might hear them, *Privilege! Privilege!* and forthwith adjourned till the next Day at One o'Clock.

'The ſame Evening his Majeſty ſent *James Maxwell*, Uſher of the Houſe of Peers, to the Houſe of Commons, to require Mr. *Ruſhworth*, the Clerk-Aſſiſtant, whom his Majeſty had obſerved to take his Speech in Characters, at the Table in the Houſe, to come to his Majeſty; and when *Maxwell* brought him to the King, his Majeſty commanded him to give him a Copy of his Speech in the Houſe. Mr. *Ruſhworth* humbly beſought his Majeſty, hoping for an Excuſe, to call to Mind how Mr. *Francis Nevil*, a *Yorkſhire* Member of the Houſe of Commons, was committed to the *Tower*, but for telling his Majeſty what Words were ſpoken in the Houſe by Mr. *Henry Bellaſis*, Son to the Lord *Fauconberg*; to whom his Majeſty ſmartly replied, *I do not aſk you to tell me what was ſaid by*

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any Member of the Houſe, but what I ſaid myſelf. Whereupon he readily gave Obedience to his Majeſty's Command, and in his Majeſty's Preſence, in the Room call'd the *Jewel-Houſe*, he tranſcrib'd his Majeſty's Speech out of his Characters, his Majeſty ſtaying in the Room all the while; and then and there preſented the ſame to the King, which his Majeſty was pleaſed to command to be ſent ſpeedily to the Preſs, and the next Morning it came forth in Print.' [r]

Jan. 5. At the appointed Time the Commons met again; when the Door being ordered to be lock'd, the Key brought up, the outward Rooms cleared of all Perſons, except Servants to the Members of the Houſe; and alſo that ſome of thoſe Servants ſhould be ſent forth to ſee what Numbers of People were repairing towards *Weſtminſter*, and to bring Notice to the Houſe; a Committee was named to conſider of ſome Way for vindicating the Privileges of Parliament, and for providing for the Safety of both Kingdoms, and to preſent it to the Houſe with all Speed. A Debate then aroſe, Whether this Houſe ſhould be adiourned to *Tueſday* next, *Jan.* 11, and a Committee be appointed to ſit at the *Guildhall*, in *London*, during that Time? The Queſtion was put, and, on a Diviſion of the Houſe, there appeared to be 170 Members for it, and 86 againſt it.

The Commons adjourn for ſix Days,

The Houſe then agreed upon a Declaration, to be forthwith printed and publiſhed, concerning the late Breach of Privilege; which was done in theſe Words: [s]

And declare the King's Behaviour a Breach of Privilege,

'WHereas his Majeſty, in his Royal Perſon, Yeſterday, being the fourth Day of *January*, 1641, did come to the Houſe of Commons,

[r] In our Collections is a Copy of the King's Speech on this Occaſion, (printed by *Robert Barker*, Printer to the King's Moſt Excellent Majeſty, and by the Aſſigns of *John Bill*) which is *verbatim* the ſame as that given by Mr. *Ruſhworth*.

[s] From the *Commons Journals*; the Copy in *Ruſhworth* being incorrect.

'mons, attended with a great Multitude of Men, An. 17. Car. 1.
'armed in a warlike Manner, with Halberts, 1641.
'Swords, and Piſtols, who came up to the very January.
'Door of this Houſe, and placed themſelves there,
'and in other Places and Paſſages near to the
'Houſe, to the great Terror and Diſturbance of
'the Members thereof, then ſitting, and accord-
'ing to their Duty, in a peaceable and orderly
'Manner, treating of the great Affairs of both the
'Kingdoms of *England* and *Ireland*; and his Ma-
'jeſty having placed himſelf in the Speaker's Chair,
'did demand the Perſons of divers Members of this
'Houſe to be delivered unto them:

'It is this Day declared by the Houſe of Com-
'mons, That the ſame is a high Breach of the
'Rights and Privileges of Parliament, and incon-
'ſiſtent with the Liberties and Freedom thereof;
'and therefore this Houſe doth conceive they can-
'not, with the Safety of their own Perſons, or the
'Indemnity of the Rights and Privileges of Parlia-
'ment, ſit here any longer, without a full Vindi-
'cation of ſo high a Breach, and a ſufficient Guard
'wherein they may confide; for which both Houſes
'jointly, and this Houſe by itſelf, have been
'humble Suitors to his Majeſty, and cannot as yet
'obtain.

'Notwithſtanding which, this Houſe, being very
'ſenſible of the great Truſt repoſed in them, and,
'eſpecially at this Time, of the manifold Diſtrac-
'tions of this Kingdom, and the lamentable and
'diſtreſſed Condition of the Kingdom of *Ireland*,
'doth order, That the Houſe ſhall be adjourned
'untill *Tueſday* next at One of the Clock in the
'Afternoon; and that a Committee, to be named
'by this Houſe, and all that will come to have
'Voices, ſhall ſit at the *Guildhall* of the City of
'*London*, To-morrow Morning at Nine of the
'Clock, and ſhall have Power to conſider and re-
'ſolve of all Things that may concern the Good
'and Safety of the City and Kingdom; and, par-
'ticularly, how our Privileges may be vindicated,
'and our Perſons ſecured, and to conſider of the

'Af-

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'Affairs and Relief of *Ireland*; and shall have 'Power to advise and consult with any Person or 'Persons, touching the Premisses, and shall have 'Power to send for Parties, Witnesses, Papers, and 'Records.

'And it is further ordered, That the Committee for *Irish* Affairs shall meet at the *Guildhall* aforesaid, at what Time they shall think fit; and 'consult and do, touching the Affairs of *Ireland*, 'according to the Power formerly given them by 'this House; and that both the said Committees 'shall report the Results of their Considerations 'and Resolutions to the House.'

Mr. *Fiennes* was sent up to the Lords, to acquaint their Lordships with the Reasons why the Commons adjourned till *Tuesday* next, and had fixed a Committee to act at *Guildhall*; which are much the same as those expressed in the above Declaration. Adding, That they shall desired their Lordships to move his Majesty for such a sufficient Guard about the Parliament, as both Houses might approve of.

The Lords return'd for Answer to this last Affair, That they had already sent to the King about it, and his Majesty's Answer was, That he would do it speedily; but their Lordships would renew it again. The Lords ordered also, That the Report, from the Committee appointed to consider of the Accusation the Attorney-General had brought against the Lord *Kimbolton* and the five Members of the Lower House, should be considered of; and that all the capital Proceedings in Parliament be searched into on this Occasion. The Answer of the impeached Bishops, which was to have been delivered on the 7th, was prolong'd to the 12th of this Month. Then the Lords adjourned, along with the Commons, to *Tuesday* the 11th Instant.

In the *Collections* of the late Sir *Henry Goodrick*, Bart. we meet with three Speeches made by Mr. *Pymme*, Sir *Arthur Haselrigge*, and Mr. *Strode*, in Vindication of themselves against the Articles

of

of High Treaſon, exhibited by Sir *Edward Herbert*, the King's Attorney. In Dr. *Naljon*'s *Collections* is alſo a Speech of Mr. *Hampden*'s, on the ſame Occaſion: But this latter being judg'd, by ſome learned Gentlemen, to be ſurreptitious, we paſs it over. An. 17. Car. I. 1641. January.

And firſt Mr. *Pymme*, [t]

Mr. Speaker,

'THESE Articles of High Treaſon, exhibited by his Majeſty againſt me, and the other Gentlemen in the Accuſation charged with the ſame Crime, are of great Conſequence, and much Danger to the State. The Articles in themſelves, if proved, are, according to the Laws of the Land, High Treaſon. Mr. *Pymme*'s Speech in anſwer to the King's Articles againſt him.

1*ſt*, 'To endeavour to ſubvert the Fundamental Laws of the Land, is, by this preſent Parliament, in the Earl of *Strafford*'s Caſe, adjudged High Treaſon.

2*dly*, 'To endeavour to introduce into this Kingdom an arbitrary and tyrannical Form of Government, is likewiſe voted High Treaſon.

3*dly*, 'To raiſe an Army to compel the Parliament to make and enact Laws, without their free Votes and willing Proceedings in the ſame, is High Treaſon.

4*thly*, 'To invite a foreign Force to invade this Land, to favour our Deſigns agitated againſt the King and State, is High Treaſon.

5*thly*, 'To animate and encourage riotous Aſſemblies and Tumults about the Parliament, to compel the King to aſſent to Votes of the Houſe, is Treaſon.

6*thly*, 'To caſt Aſperſions upon his Majeſty and his Government, to alienate the Affections of his People, and to make his Majeſty odious unto them, is Treaſon.

7*thly*, 'To endeavour to draw his Majeſty's Army into Diſobedience, and to ſide with us in our Deſigns, if againſt the King, is Treaſon.

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[t] *London*, printed for *Peter Cole*, 1641.

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'I desire, Mr. Speaker, the Favour of this House to clear myself, concerning this Charge; I shall only parallel and similize my Actions, since the Sitting of this Parliament, with these Articles:

1*st*, 'Mr. Speaker, if to vote with the Parliament, as a Member of the House, wherein all our Votes ought to be free, (it being one of the greatest Privileges thereof to have our Debates, Disputes, and Arguments in the same unquestionable) be to endeavour to subvert the Fundamental Laws; then am I guilty of the first Article.

2*dly*, 'If to agree and consent with the whole State of the Kingdom, by Vote, to ordain and make Laws for the good Government of his Majesty's Subjects, in Peace and dutiful Obedience to their lawful Sovereign, be to introduce an arbitrary and tyrannical Form of Government in the State; then am I guilty of this Article.

3*dly*, 'If to consent, by Vote with the Parliament, to raise a Guard, or Train'd Band, to secure and defend the Persons of the Members thereof, being invironed and beset with many Dangers in the Absence of the King; and, by Vote with the House, in willing Obedience to the Royal Command of his Sacred Majesty, at his Return, be actually to levy Arms against the King; then am I guilty of this Article.

4*thly*, 'If to join with the Parliament of *England*, by free Vote, to crave brotherly Assistance from *Scotland*, (Kingdoms both under Obedience to one Sovereign, both his loyal Subjects) to suppress the Rebellion in *Ireland*, which lies gasping every Day in Danger to be lost from his Majesty's Subjection, be to invite and encourage a foreign Power to invade this Kingdom; then am I guilty of High Treason.

5*thly*, 'If to agree with the greatest and wisest Council of State, to suppress unlawful Tumults and riotous Assemblies; to agree with the House, by Vote, to all Orders, Edicts, and Declarations for their repelling, be to raise and countenance them in their unlawful Actions; then am I guilty of this Article.

6*thly*,

6*thly*, 'If by free Vote, to join with the Parliament in publiſhing of a Remonſtrance; in ſetting forth Declarations againſt Delinquents in the State; againſt Incendiaries between his Majeſty and his Kingdom; againſt ill Counſellors which labour to avert his Majeſty's Affection from Parliaments; againſt thoſe ill-affected Biſhops that have innovated our Religion; oppreſſed painful, learned, and godly Miniſters, with vexatious Suits and Moleſtations in their unjuſt Courts; by cruel Sentences of Pillory and cutting off their Ears; by great Fines, Baniſhments, and perpetual Impriſonment; if this, Mr. Speaker, be to caſt Aſperſions upon his Majeſty and his Government, and to alienate the Hearts of his loyal Subjects, good Proteſtants and well-affected in Religion, from their due Obedience to his Royal Majeſty; then am I guilty of this Article. An. 17. Car. I. 1641. January.

7*thly*, 'If to conſent, by Vote with the Parliament, to put forth Proclamations, or to ſend Declarations to his Majeſty's Army, to animate and encourage the ſame to his loyal Obedience; to give ſo many Subſidies, and raiſe ſo many great Sums of Money, willingly, for their keeping on Foot to ſerve his Majeſty upon his Royal Command, on any Occaſion; to apprehend and attach, as Delinquents, ſuch Perſons in the ſame as are diſaffected both to his Sacred Perſon, his Crown and Dignity, to his wiſe and great Council of Parliament; to the true and orthodox Doctrine of the Church of *England*, and the true Religion, grounded on the Doctrine of *Chriſt* himſelf, and eſtabliſhed and confirmed by many Acts of Parliament in the Reigns of King *Henry* VIII. King *Edward* VI. Queen *Elizabeth*, and King *James*, of bleſſed Memory: If this, Mr. Speaker, be to draw his Majeſty's Army into Diſobedience, and ſide with us in our Deſigns; then am I guilty of this Article.

'Now, Mr. Speaker, having given you a Touch concerning theſe Articles, comparing them with my Actions ever ſince I had the Honour to ſit in this Houſe as a Member thereof, I humbly crave your Conſideration and favourable Judgment of them; not

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not doubting, they being weighed in the even Scales of your Wiſdom, I ſhall be found innocent and clear from theſe Crimes laid to my Charge.

'Mr. Speaker, I humbly crave your further Patience, to ſpeak ſomewhat concerning the exhibiting of this Charge; which is to offer to your Conſideration theſe Queſtions, *viz.*

1*ſt*, 'Whether to exhibit Articles of High Treaſon by his Majeſty's own Hands, in this Houſe, agrees with the Rights and Privileges thereof?

2*dly*, 'Whether for a Guard armed to come into the Parliament, to accuſe any of the Members thereof, be not a Breach of the Privilege of Parliament?

3*dly*, 'Whether any of the Members of Parliament, being ſo accuſed, may be committed upon ſuch Accuſation, without the whole Conſent thereof?

4*thly*, 'Whether a Parliament hath not Privilege to bail any Member ſo accuſed?

5*thly* and *laſtly*, 'Whether if any of the Members of Parliament ſo charged, and by the Houſe diſcharged, without Releaſe from his Majeſty, may ſtill ſit in the Houſe as Members of the ſame.'

'And thus, Mr. Speaker, I humbly crave Pardon for my Preſumption in ſo far troubling this Honourable Houſe, deſiring their favourable Conſideration of all my Actions; and that I may have ſuch Trial as to this wiſe Council ſhall ſeem meet, chearfully ſubmitting myſelf and Actions to the righteous Judgment of the ſame.'

Sir *Arthur Haſlrigge*'s Speech was as follows[w]:

Mr. Speaker,

Sir *Arthur Haſlrigge*'s,

'THis Misfortune of mine ſeems to me, at the firſt, exceeding ſtrange; not only in reſpect of the Crimes laid to my Charge, but moſt of all having

[u] We do not find, by the *Journals*, that the Commons came to any formal Reſolution on this or any of the foregoing Queſtions: They ſeem to have thought it unneceſſary; for it appears from thoſe Authorities, that Mr. *Pymme*, Mr. *Strode*, and Mr. *Holles* were of a Committee *(inter alios)* upon a Bill *For enabling the Lords and Commons to adjourn this preſent Parliament from Place to Place, as they ſhall ſee Cauſe*, on the 11th of *January*, being the firſt Day of their Meeting after the late Adjournment.

[w] Printed by *Francis Conſtable* and *T. Bennet*, *London*, 1642.

having thereby incurr'd not only the Disfavour but An. 17. Car. I. 1641. January.
ireful Displeasure of his Sacred Majesty. For the first; knowing the Innocency and Integrity of my Heart, that it is free from any such Crime, either in Thought, Word, or Deed, against either my gracious Sovereign, or my native Country, I shall the more easily bear the Burden of the Charge; but to groan under the Burden of a most pious and wise Prince's Displeasure, wounds me sore.

'Mr. Speaker, I humbly desire so much Favour of this Honourable House, of which I have the Happiness to be a Member, to speak something of my Innocence in all these Crimes I am charged with.

'This Honourable House, Mr. Speaker, can, I hope, witness for me the Manner of my Carriage and Disposition in any Debate or Arguments wherein I have been one. I hope nothing hath proceeded from me that can come, any ways, within the Compass of Treason.

'In all Disputes and Conclusions of any Matter by Vote of the House, my Vote hath commonly agreed with the major Part; then I hope my Vote in Parliament, being free, cannot be Treason.

'Mr. Speaker, the Articles, that are exhibited against me and the other Gentlemen, are of a most dangerous and pernicious Consequence, if we should be found guilty of them; which God defend. I would to God those Persons that incensed his Majesty against us, which is easily conceived who they are, were as free from Thoughts and Words, nay Actions, within the Limits of Treason, as I hope we shall prove ourselves, by God's Blessing.

'Mr. Speaker, it is alledged we have endeavoured to subvert the Fundamental Laws of this Land, abridge the King's Power, and deny his Royal Prerogatives. Give me Leave, I beseech you, to speak concerning this Article.

'There are not, as I conceive, two Forms of Government in this Kingdom; there are not two Sorts of Fundamental Laws: There is but one Form of Government; one Sort of Fundamental Laws; that is, the Common Law of this Land, and Acts, Sta-

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Statutes and Ordinances of Parliament. Theſe two, Mr. Speaker, depend and hang one upon another, ſo that they cannot be ſeparated; and he that ſubverts the one, breaks and infringes the Privileges of the other; and he that breaks the Privileges of the one, ſubverts the other. Now, under Favour, Mr. Speaker, to ſpeak freely in Parliament, freely called and aſſembled by his Majeſty's moſt Royal Authority; to vote freely in the ſame, upon the Concluſion of any Bill to be made a Law by the whole Conſent of Parliament, and aſſented to by his Majeſty; to agree in voting, with the whole Parliament, againſt Delinquents and Malefactors in the State, to bring them to condign Puniſhment for the ſame; to give my Vote, in the Houſe, for removing evil Counſellors from his Sacred Majeſty, and to place loyal and faithful ones in their Place; to aſſent, with the whole State aſſembled together in Council, for the ſettling of Peace and Tranquility in the ſame; to ordain and enact ſuch wholeſome Laws and Ordinances, whereby his Majeſty's good Subjects may be governed in Righteouſneſs and good Obedience; to vote, with the Houſe, for redreſſing the many Grievances of the Commonwealth: If theſe be to ſubvert the Fundamental Laws of the Land, then, Mr. Speaker, am I guilty of this Article in giving my Vote againſt the Earl of *Strafford*; in voting thoſe Acts already made and paſſed by his Majeſty; in voting againſt the Biſhops; in proteſting to maintain the Fundamental Laws of the Land, and the true Proteſtant Religion, according to the true Doctrine of the Church of *England*. I ſay then, Mr. Speaker, in this am I guilty of High Treaſon; but if this be not to ſubvert the Laws of the Land, then, as I conceive, am I clear from being guilty of this Article: All which I humbly leave to the Conſideration of this Honourable Houſe.

'Under Favour, Mr. Speaker, I come now to the other Articles of the Charge: I will only recite the Subſtance of them, for they all harp on one String: To endeavour to bring in an arbitrary and tyrannical Form of Government: To invite Tumults

mults and unlawful Reſorts of Multitudes of People to the Parliament, to be a Colour for our Deſigns: To raiſe Forces and Armies in this Land to aſſiſt us in our Practices: To invite foreign Princes to bring an Army into the Land: To endeavour, by Declarations, Proclamations, and otherwiſe, to alienate the Hearts of his Majeſty's loyal Subjects from their lawful Sovereign, thereby to avert their due Obedience from him; and, having an evil Opinion of his Sacred Majeſty, to perſuade them to ſide with us, and take our Parts to effect our Deſigns. Give me Leave, I beſeech you, to ſpeak concerning theſe Crimes:

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'And *firſt*, Mr. Speaker, to endeavour to bring in an arbitrary Power and tyrannical Form of Government in the Subject, is to deny Parliamentary Proceedings: To oppoſe the Laws enacted by Parliaments; to incenſe his Majeſty againſt Parliaments; to proteſt and petition againſt the Proceedings thereof; is to bring in an arbitrary Form of Government: But to agree with the Parliament, being a Member thereof, by Vote, to make and enact Laws, I conceive this cannot be termed arbitrary; neither, I perſuade myſelf, can the Effects thereof be tyrannical.

Secondly, 'Concerning the late Tumults about the Houſe, I am innocent thereof; neither came they by my Invitation or Encouragement; I always thought their Reſorts, in that Sort, were illegal and riotous: I have voted with this Houſe for their ſuppreſſing; have aſſented to all Orders for their appeaſing; agreed with the Parliament, in all Things, concerning their Petitions and Requeſts: Then I hope this Honourable Houſe will not conceive me guilty of this Crime: If it be one, and granted, yet I conceive far without the Limits of Treaſon, for theſe Reaſons:

1ſt, 'They came not with Arms to force any Thing to be done in Parliament; but humbly, by Petition, ſhewed their Grievances, and deſired Redreſs thereof; which is one Privilege, and one of the

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the greateſt, to make their Griefs known to a Parliament, and by them to be relieved.

2*dly*, 'They offered no Aſſault; but, being aſſaulted, preſerved themſelves, and departed.

3*dly*, 'The Matter of their Clamour was not againſt the King, nor any of his Council; it was not againſt the Lords, nor the Houſe of Commons; it was only againſt Delinquents, againſt ſuch as had been the greateſt Oppreſſors of them.

Thirdly, 'I come, in a Word, to the other Articles of the Charge, which I intend to ſpeak of, under Favour, altogether:

'I pray you, who raiſed any Army, actually, in this Land but the Train'd Bands; which was done by the Parliament, for the Security of their own Perſons in the King's Abſence; and, in Obedience to his Commands, at his Return home, they were diſcharged, and afterwards again raiſed by his Majeſty's own Royal Authority? And for inviting or procuring any foreign Princes to aid me with an Army, I am altogether innocent therein; I know of no Aid requir'd but from *Scotland*, which is done by the Parliament; my Vote, as a Member thereof, only agreeing with them in the ſame; and that Aid is procured for his Majeſty's Aſſiſtance, in ſubduing the Rebellion in *Ireland*, and, as I conceive, for no other Purpoſe. And for the laſt Article wherewith I am charged, I hope to be cleared by this whole Houſe: For what Declarations, or Proclamations, have been publiſhed but by Authority of the Parliament, join'd with his Majeſty's moſt Royal Power and Aſſent thereunto? It is manifeſt to all People that nothing is publiſhed by the Parliament, or any of the Members thereof, but tendeth to the Winning of the Hearts of his Majeſty's Subjects to dutiful Obedience, to intire Love and tender Affection, towards their gracious Sovereign. And I dare confidently ſay, that there is none of his Majeſty's Subjects, that are true Proteſtants and well affected to Religion, but, upon the leaſt Command of his Majeſty will ſpend their deareſt Blood

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in Defence of his Majesty's Sacred Person, his Queen and Princely Issue; the Laws and Constitutions of this Kingdom; Parliaments and the Rights and Privileges thereof; Religion and the Doctrine of the Church of *England*: And, therefore, I conceive I am far from intending any Treason either against his Majesty or his Kingdoms. An. 17. Car. I. 1641. January.

'Thus craving Pardon for my Presumption, I humbly thank this Honourable House for their Patience; beseeching them to have a good Opinion of me and my Actions, that I may receive such Trial as to their Wisdoms shall seem meet; with my hearty Prayers for the happy Continuance of this Parliament, to effect and finish such great Matters, both in Church and State, as may advance God's Glory; settle all Things, in a right Frame, for the good Government of these Kingdoms, and the everlasting Peace and Tranquility of his Majesty and his Posterity.'

We do not find that Mr. *Holles* made any Speech upon this Occasion, but Mr. *Strode*'s was as follows. [x]

Mr. Speaker,

'IT is the Saying of the Wise Man, even of a King, *Solomon*, the wisest of all Kings that ever reign'd on this Earth, *That in the Countenance of the King is Life and Death*; like to the Sun, which, by the sending forth of his glorious Beams upon the Fruits of the Earth, nourisheth, and causeth the same to fructify and grow, gives Vigour and Strength to all the Creatures that live in and upon the same; and, by withdrawing his Light, being over-shadowed with Clouds, keeps back the Growing and Flourishing of the Creature; yea, and by Continuance in that his hidden Motion, procureth at last the utter Withering and Perishing thereof. And Mr. *Strode*'s;

'His gracious Majesty is our Sun and Comforter; at such Time as his glorious Beams of Grace and Favour reflect upon his good Subjects, they increase and

[x] By the same Printer as Sir *Arthur Haselrigge*'s, 1642.

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and grow in an intire and tender Affection towards his Majeſty, ſo that no Diſtempers, or Troubles whatſoever, can ſeparate between him and them. But this our Sun, when over-ſhadowed with Clouds, and Miſts of Diſcontent and Diſfavour towards his People, cauſeth them to wander in Obſcurity and Darkneſs, even ready to faint and deſpair of any Deſign they take in hand, for the Safety and Security of his Majeſty and his Kingdoms; yea, ſtrikes them, as it were, with Death and utter Deſtruction.

'Mr. Speaker, I perſuade myſelf our gracious Sovereign, in his own natural Diſpoſition, is altogether bright and comfortable; he never cauſeth, or attracts to himſelf, any Diſcontent towards his loving Subjects, but by Suggeſtion, Information, or Inſtigation, of malignant Spirits, diſaffected both to the Tranquility and Peace of his Majeſty and the whole State of this Kingdom.

'It is, Mr. Speaker, the Policy only of deſperate and evil-minded Perſons, that have been the only Troublers of our *Iſrael*, finding themſelves in Danger (by calling of them to an Account for their Miſdeeds and Miſdemeanors) to be brought to Puniſhment for the ſame, to caſt Aſperſions upon thoſe faithful Counſellors of the King and State, who ſtrive to prevent their malicious and wicked Deſigns from overthrowing and deſtroying the ſame.

'It cannot, Sir, enter into my Thoughts that ever his Majeſty, of himſelf, could have gone about to interrupt and hinder the happy Proceedings of this his great and wiſe Council (whoſe Endeavours are altogether to maintain the Honour and Dignity, the Peace and Safety, of his Royal Majeſty and his Kingdoms, by removing ſuch Impediments and Hinderances as have, hitherto, prevented the Eſtabliſhing of true Religion in this Church, congruent to the Doctrine of *Chriſt* and his Apoſtles, ſet down and manifeſted in Sacred Writ) by accuſing and impeaching the Members thereof of High Treaſon; as if they, whoſe Hearts are united to their lawful Sovereign, by Nature bound to the De-

Defence and Security of their Country, and, by Covenant with God, tied to the Maintenance of his true Religion, ſhould be the Betrayers and Deſtroyers of them all together. An. 17. Car. I. 1641. January.

'These Articles, Mr. Speaker, exhibited againſt myſelf and the other Gentlemen, are, I conceive, not really intended againſt us as if we were actually guilty of the ſame; but only to procure our Abſence from this Honourable Houſe, that we may not have our free Votes in the Trial of the twelve Biſhops accuſed; by whom, I verily believe, theſe Articles were drawn; and, only by their Advice, and ſuch as favour their Cauſe, exhibited. And I perſuade myſelf, were we to be apprehended and taken from this Houſe, under Pretence of Trial, we ſhould, by Force, immediately be cut off; although his Majeſty conceives, and is really minded, we ſhould be legally proceeded againſt; of ſuch Powerfulneſs are thoſe Perſons that were the Authors of them.

'Mr. Speaker, theſe Articles, if we were actually guilty, are, many of them, I confeſs, High Treaſon; as to endeavour to ſubvert the Fundamental Laws; to introduce an arbitrary Form of Government in the State; actually to levy War againſt the King; to procure foreign Aid to invade this Land; and the like. I need not ſpeak much to clear myſelf of theſe Crimes. I hope this Honourable Houſe will make ſuch a favourable Conſtruction of all my Actions, ſince I have had the Honour to ſit in the ſame, that it will be manifeſt to all the World, that they have been far without the Compaſs of Treaſon either againſt my King or Country.

'And, Mr. Speaker, if it ſhall be conceived by this Honourable Aſſembly, (as learnedly it hath already been delivered by that worthy Gentleman that ſpake firſt) That, as Members of a Parliament, to agree with the ſame in all their Votes, for the Puniſhment of Delinquents, ſettling of Religion, ſecuring of their own Perſons by a Guard, or deſiring Aſſiſtance of our Brethren in *Scotland* to ſuppreſs the Rebellion in *Ireland*, be Treaſon, then,

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I think, we are all guilty of these Articles; otherwise we are clear and innocent of the same.

'Mr. Speaker, I humbly desire of this Honourable House, that I may have a speedy Trial upon the same; that, as I shall be found guilty by the Judgment of this High Court, I may know my Sentence, which I shall willingly submit unto; be it to my Condemnation, or Preservation; wishing and praying with all my Heart, that none of these evil and malicious Designs, in Agitation against the Parliament, by any malignant Persons whatsoever, may take Effect to hinder the blessed Proceedings thereof; but that you may go on, with Courage and Chearfulness, to settle all Things aright, both in Church and State, for the Government thereof in perpetual Peace and Tranquility.'

There are also extant, in single Pamphlets of the Times[y], the following Speeches of Mr. *Grimstone*, Mr. *Glynne*, and Mr. *Maynard*, spoken at the before-mentioned Committee of the House of Commons, at the *Guildhall*, none of which are in *Rushworth*.——And first Mr. *Grimstone*. [z]

Mr. Chairman, [a]

Mr. *Grimstone*'s Speech in Vindication of the Privileges of Parliament.

'THERE are no Courts of Judicature in this Kingdom of *England*, but they have several Rights and Privileges appertaining and belonging unto them; and have such Power and Authority, in the several Jurisdictions of the same Offices, that they may call to an Account, prosecute and bring to Judgment, the Infringers of the same.

'Of all these Courts there is none, yea, put them all together, they are not all, of so great Power and Jurisdiction, but remain inferior and subject to the Ordinances and Statutes of the High Court of Parliament.

'Sir, of such awful Predominancy is the very Name of a Parliament to this Nation, that it strikes with

y *London*, printed by *Francis Constable*, 1642.
z Member for *Colchester*.
a Serjeant *Wylde*, Knight of the Shire for *Worcester*.

with Terror and Deſpair all ſuch Evil-doers as are Malefactors in the State: On the contrary Side, it enriches and comforts the drooping Spirits of Men, groaning under the Burden of tyrannical Oppreſſion, inflicted on them unjuſtly and maliciouſly, by unmerciful and wicked Men that have uſurp'd unto themſelves Places and Offices of Power and Authority both in Church and State. An. 17. Car. I. 1641. January.

'Sir, this Great and High Court is not only the powerfulleſt of all other Courts whatſoever, but the prudenteſt and wiſeſt, made and compacted not only of Men found in Religion and well learned, but ripe in their Judgments, ſelected from all Parts of this Kingdom, elected and choſen with the free Conſent of the whole Body Politic of the Kingdom: This Great and High Council is not only of ſuch Power and Wiſdom, but endued and attended with the moſt and greateſt Privileges thereof, that not only the meaneſt of his Majeſty's Subjects, but the greateſt Perſonages of the Kingdom, are in Danger, if Infringers of the ſame, to be call'd in Queſtion, and by them puniſhed; therefore give me Leave, Sir, to ſpeak ſomewhat of the Privileges in this particular Incident, and appertaining to this wiſe Senate: And, in ſpeaking thereof, I ſhall obſerve theſe three Particulars:

Firſt, 'The Rights and Privileges belonging to the ſame, in the free Votes and Judicature thereof.

Secondly, 'The Rights and Privileges belonging to the Power and Juriſdiction thereof.

Thirdly, 'The Rights and Privileges in the Continuance thereof; being freely called and aſſembled by his Majeſty's Authority, not to be diſſolved or broken up untill all Things agitated therein, for the Good both of Church and Commonwealth, be fully concluded and determined.

Firſt, 'Sir, concerning the Privileges of a Parliament, belonging to the free Votes and Judicature thereof, I ſhall obſerve theſe three Particulars:

1*ſt*, 'To ſpeak freely, without Interruption or Contradiction, in any Debate, Diſpute, or Argument, upon any Buſineſs agitated in the ſame, being

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ing a Member thereof, I conceive to be one Privilege of a Parliament.

2*dly*, 'Not to be queſtioned, on any ſuch free Diſpute, Argument, or Debate; nor to be tax'd or accuſed for the ſame, either during the free Sitting thereof, or after, is another Privilege of Parliament.

3*dly*, 'Freely to give Vote, Judgment, or Sentence, upon the reading of any Bill to be made a Law, or any Bill, either of Attainder or other Charge, againſt Delinquents and criminous Perſons againſt the State, at their Trial upon the ſame, is a third Privilege of Parliament.

4*thly*, 'To defend and maintain the free Vote, Judgments and Sentences of the whole Houſe, by Proteſtation, Remonſtrance, or other Declaration, if not conſented unto, or oppoſed by the Houſe of Lords, is a fourth Privilege.

5*thly*, 'For any Member of the Houſe, not to be accuſed of any Crime, or impeached for Treaſon by any Perſon whatſoever, during the Continuance of the Parliament, for Things done in the ſame, without legal Accuſation, and Proſecution of any ſuch Member by the whole Houſe, is another Privilege of Parliament.

6*thly*, 'Not to be apprehended upon ſuch Impeachment, or arreſted by any Officer; or to have their Studies broken open, or Books and Writings ſeized upon, without Conſent or Warrant of the whole Parliament, is another Privilege of the ſame. And thus much, Sir, ſhall ſuffice to be ſpoken concerning the Privileges and Rights of Parliament, appertaining to the Subjects of which I am to ſpeak.

'I come now to the *Second* Thing I propoſed to your Audience, which was, The Rights and Privileges belonging to the Power and Juriſdiction of the Parliament, in which I ſhall obſerve theſe Particulars:

1*ſt*, 'To conſult and conſider of what Laws are fit to be made and enacted in this Kingdom, for the good Government thereof, is one Privilege belonging to the Power and Juriſdiction of this High Court.

2*dly*,

2*dly*, ‘ To juſtify or abrogate, repeal or make void, to ratify and confirm, eſtabliſh and maintain, Laws, Statutes, and Ordinances, made and enacted by precedent Parliaments, by Councils of State, or other Courts of Judicature, is a ſecond Privilege pertaining to the Power and Juriſdiction of the Parliament. An. 17. Car. I. 1641. January.

3*dly*, ‘ To give Subſidies, to raiſe Taxes, to impoſe Loans, and other Charges upon the Subject, is another Privilege belonging to the Power and Juriſdiction of the Parliament.

4*thly*, ‘ To accuſe or impeach any Incendiaries or Delinquents in this Kingdom of any Crime notorious, tending to the Prejudice of his Majeſty, or any of his loyal Subjects, whether it be for Treaſon or otherwiſe, be they Members of the Parliament or not, is another Privilege belonging to the Power and Juriſdiction of the Parliament.

5*thly*, ‘ To proſecute and bring to Judgment ſuch Perſons ſo accuſed, or impeached for any Crime whatſoever, is another Privilege belonging to the Power and Juriſdiction of this Court. And thus much of the Rights and Privileges belonging to the Power and Juriſdiction of a Parliament.

‘ And now, Sir, I come to the laſt Thing I mention'd to you, concerning the Privileges belonging to the Continuance and free ſitting of a Parliament, till all Things be concluded on for the good Government of Church and State; in which I ſhall alſo obſerve theſe Particulars:

1*ſt*, ‘ That for a Parliament, when freely called and aſſembled by Royal Authority, not to be compelled to debate any one particular Buſineſs appointed by any Perſon whatſoever, is one Privilege belonging to the Continuance of a Parliament.

2*dly*, ‘ Not to break off or diſſolve a free Parliament, untill all the Grievances and Oppreſſion of all his Majeſty's loyal Subjects be fully redreſſed and remedied, is a ſecond Privilege belonging to the Continuance of a Parliament: As is, alſo,

3*dly*, ‘ Not to break off or diſſolve a free Parliament, till all Incendiaries and Delinquents in the

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the State be brought to condign Punishment for their Crimes: And,

4*thly*, 'Not to accuse or impeach any Member of the Parliament, thereby to hinder and interrupt the legal Proceedings thereof, in the weighty Affairs of the Commonwealth, is another Privilege belonging to the Continuance of a Parliament.

'And thus having briefly declared to you the Power and Jurisdiction of a Parliament, above all other Courts of Judicature in this Land; the Wisdom and Policy of a Parliament, above all other Councils; the Rights and Privileges of a Parliament, in respect of the free Votes and Judicature thereof; the Power and Jurisdiction thereof; and the free Continuance thereof; I humbly leave to the Consideration of this House, Whether the Accusation of the Gentlemen, accused by his Majesty, and the illegal breaking open, upon this their Accusation, of their Chambers, Trunks, and Studies, be not a Breach of some of the Privileges of Parliament which I have mentioned unto you.'

Mr. *Glynne*'s Speech upon the same Occasion[n].

Mr. Chairman,

Mr. *Glynne*'s on the same Subject.

'WE sit now upon that grand Business of the Breaches of the Rights and Privileges of Parliaments, which are so many and great; so carefully preserved and defended in former Times, by severely punishing the Infringers thereof; that I had thought and conceived that no Subject, of what Degree or Dignity soever, would either in their own Persons, or by misinforming his Majesty concerning the same, have presumed to have intrenched, in the least Measure, upon the free Liberty, Rights, and very Being of Parliaments, or tending to the Breach thereof. But, Sir, I perceive by the Perverseness of divers Persons in Places of Authority, that they dare not only presume to provoke his Majesty by their political Misinformations, but dare attempt, of themselves, to resist the lawful Power

[n] Member for *Westminster*.

Power both of the King and his High Court of Parliament. An. 17. Car. I. 1641. January.

'Sir, these Men (notwithstanding they apparently perceive that their wicked Practices and malicious Designs cannot take Effect according to their Expectation, but are rejected and detected as well by his Sacred Majesty as his Lords and his whole Council) dare venture to cast Aspersions, and spread abroad evil Reports, not only of the Members, but of the Proceedings of the House of Commons against them and others of their Adherents and Favourites in their wicked and desperate Actions and Designs against their lawful Sovereign and his liege People.

'I conceive, Sir, did these Persons but remember the many Precedents, yet extant, of the just and deserv'd Punishments, inflicted by former Parliaments, upon such Miscreants; as witness the Archbishop of *York*, the Earl of *Suffolk*, Chief Justice *Belknap*, and the rest of that Conspiracy, in the Reign of King *Richard* II. they would have prejudged to themselves the like Danger would follow upon them for their evil Actions [o].

'Nay, Sir, did these Men but consider with themselves the just Judgments of God that have immediately lighted upon the Necks of such as have been the Troublers of Kingdoms and Commonwealths, whereof they have been Members, as well recorded in Sacred Writ as of late Times in this Kingdom yet still fresh in Memory, they would have laid their Hands upon their Mouths and Hearts when they went about to speak or do any Thing tending to the Dishonour of Almighty God; in innovating of his true Religion, and corrupting the sincere Doctrine and Discipline of *Christ* and his Apostles; as also any Thing tending to the Dishonour and perpetual Destruction of his Royal Majesty, (however otherwise they may pretend) the Fundamental Laws and Liberties of this Kingdom, the Rights and Privileges of Parliament, and the very Being thereof: But surely, Sir, they are altogether

[o] The Proceedings at large, hereupon, are in our First Volume, *Anno* 11. *Ric.* II. *& seq.*

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gether benummed and ſtupified, their Conſciences dead and ſeared, their Lives and Converſations altogether devoted to the Works of Darkneſs and Impurity; their Deſires altogether ſenſual, carnal, and deviliſh; forgetting God, kicking and ſpurning, with Maliciouſneſs, againſt all Piety and Godlineſs; or elſe they would never have adventured to practiſe ſuch Things, as it is too manifeſt they have done.

'Sir, I intend to be brief in that which I am to ſpeak, concerning the Breaches of the Privileges of Parliament.

Firſt, 'To inform his Majeſty of any Proceedings in the Houſe of Commons, upon any Buſineſs whatſoever, before they have concluded, finiſhed, and made ready the ſame to preſent to his Majeſty, for his Royal Aſſent thereunto, is a Breach of the Privileges of Parliament.

Secondly, 'To miſinform his Majeſty, contrary to the Proceedings in Parliament, thereby to inceniſe and provoke him againſt the ſame, is a Breach of Privilege of Parliament.

Thirdly, 'To cauſe or procure any Information or Accuſation to be brought or preferred, without the Knowledge or Conſent of the Parliament, into the Houſe, againſt any of the Members thereof, is a Breach of Privilege of Parliament.

Fourthly, 'To apprehend any ſuch accuſed, to impriſon their Perſons, to ſeize upon their Goods or Eſtates, to proſecute and proceed againſt them, to their Trial and Judgment, to condemn or execute them upon ſuch Accuſation, without the Conſent or Advice of the Parliament, is a Breach of the Privileges thereof.

Fifthly, 'To endeavour to caſt an evil Opinion of ſuch Members accuſed, into the Hearts of his Majeſty's loyal Subjects, whereby they, diſaffecting them, may be willing and ready to put in Execution any Command or Warrant for their Apprehenſion and Impriſonment, is a Breach of the Privileges of Parliament.

Sixthly,

Sixthly, 'For any Officer or Serjeant to come, in open Parliament, to demand and arreſt any ſuch Member accuſed, be it of High Treaſon or any other Crime whatſoever, without the Knowledge of the whole Houſe, is a Breach of the Privileges of Parliament. An. 17. Car. I. 1641. January.

Seventhly, 'To come to a Parliament, ſitting in free Conſultation, aſſiſted and guarded with armed Men; and with them, ſitting the Houſe, to demand, as it were, *Vi et Armis*, ſuch Members accuſed, is a Breach of the Privileges of Parliament.

Laſtly, 'To procure to be ſet forth, or to ſet forth, under his Majeſty's Name, any Proclamation or Declaration, prohibiting the Repair of ſuch Perſons accuſed to the Parliament as Members thereof, and to apprehend them in what Place ſoever they ſhall be found, without the Advice and Conſent of the whole State, aſſembled and ſitting in free Parliament, is a manifeſt Breach of the Privileges thereof.

'And this, Sir, is all that I have to ſay concerning this Day's Buſineſs, humbly leaving the ſame to the Conſideration of this Honourable Aſſembly.'

Laſtly Mr. *Maynard* [1] ſpoke as follows:

Mr. Chairman,

'THE Intermiſſion of Parliaments, ſo long together, hath been the only Cauſe, I confidently believe, of all thoſe Evils and Troubles that have happened upon this and the other his Majeſty's Kingdoms. The perverſe Nature of Man is ſo froward and crooked, that it is always inclined and bent to do nothing but that which is evil: Without Reſtriction, either by the powerful preaching of the Word of God, wholeſome and pious Diſcipline in the Exerciſe of Religion, and good Laws made for the ſtrict Obſervance and Performance of the ſame, under Pain of ſevere Puniſhment for not obeying thereof: I ſay, without Reſtraint by ſuch Means, And Mr. *Maynard*'s.

[1] Member for *Totneſs*.

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Means, the corrupt Nature of the Flesh is not to be curbed; but will go on to the committing of all Manner of Wickedness, both against God, his King, and Country: And, Sir, the only Means to preserve and enjoy the sincere and pure Teaching of God's Word, and pious Discipline, by wholesome Laws enacted and made for that Purpose, is by a Parliament; by that great and wise Council, expert in all the Sciences of good Government, either of a Church or Commonwealth.

'A Parliament, Sir, is the clearest Looking-Glass for a State perfectly to see itself in, that ever was made; there is no Disease, Infirmity, or Misery, that it groans under the Burden of, but in this Glass it may be perspicuously perceived, and the original and prime Causes that have produced the same: This Glass is not only clear and bright to look in, but it is medicinal, and of that sovereign Power and Efficacy, that it can cure and remedy all the Grievances of the Spectators therein, of what Personage, Degree, or Dignity soever they be; of what Condition or Quality soever the Disease be they are infected withall; of what Profession or Function soever, whether spiritual or temporal, they are of, if they do but look herein.

'Be they infected with Pride, Haughtiness of Heart, (if in Places of Authority) exercising Tyranny over the King's good People and loyal Subjects; let them but be brought to look in this Glass, they may have Remedy.

'Be they infected with too much Ease, Idleness, and Plenty, (if of the Clergy) whereby is produced Covetousness, Luxury, Wantonness, Avarice, and all manner of Lasciviousness; neglecting their Duties, in their several Places in the Church, as ordinary Teachers and Dispensers of the Word of God; or, being in Authority and Places of Government in the Church, becoming hoarse and dumb in their Preaching and Dispensation of the Truth of God, according to the spiritual and pure Meaning thereof; or else corrupt in their Doctrine, teaching false Doctrine, not the Word of God, but

but their own Inventions, or the Inventions and Traditions of others; turning the Truth into a Lye, joining and adding to the ſame their own Devices, as they are Teachers and Inſtructers of the People and Children of God; or, as they are in Authority, becoming proud and high-minded, not contented with their ſpiritual Offices, but uſurping to themſelves temporal Juriſdiction; exerciſing Cruelty againſt thoſe that are faithful and painful Teachers of the Word, and holy in their Lives and Converſations; encouraging vain and idle Perſons, ſcandalous both in their Teaching and in their Lives: Theſe, I ſay, infected with all theſe Sores and dangerous Ulcers, looking but into this Glaſs may receive Cure. An. 17 Car. I. 1641. January.

'Be they infected with Bribery, Injuſtice and Oppreſſion, (be they Judges, or other Officers in Places of Judicature in this Kingdom) in their ſeveral Courts over his Majeſty's Subjects, by viewing themſelves in this Glaſs, they may receive Remedy.

'Be they infected with ſubtle Plots, monopolizing Devices, (be they Courtiers, Officers, Cuſtomers, or whatſoever elſe) thereby procuring Grants, Patents, and Monopolies; by them oppreſſing and exceſſively charging the Subject, raiſing and increaſing the Rates and Prices of all Commodities, either imported or exported, in this Land; if they look in this Perſpective, they may be cured.

'Be they infected with Treachery, Conſpiracy, or with any other deviliſh Practice or Deſign againſt his Majeſty or his Kingdoms, as they are either Papiſts, Recuſants, Prieſts, and Jeſuits; or diſſolute and diſaffected Proteſtants; or *Baal*'s Prieſts, that halt between divers Opinions, in part Proteſtants, in part Papiſts, and in part Arminians; if they will but look into this Glaſs, it will clearly diſcover and cure them.

'And thus, Sir, having ſpoken ſomething of the Nature of a Parliament, and of the Sovereignty thereof in diſcovering and curing all Diſeaſes in a Commonwealth, I come to ſpeak a Word or two of the Rights and Privileges appertaining and belonging

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ing to a Parliament. I know right well thoſe Gentlemen who ſpoke Yeſterday [1] have ſet forth, clearly and learnedly, the Privileges thereof; ſufficiently ſerving, as I conceive, for this Day's Buſineſs. I ſhall only ſpeak concerning that Privilege, which one of them hath already mentioned, 'Not to be 'queſtioned or accuſed, (for or concerning any 'Vote, Argument, or Diſpute, as Members of a 'Parliament, during the free ſitting thereof) either 'in the Continuance of a Parliament, or after the 'ſame be diſſolved or broken off, either legally or 'illegally.' That which I ſhall only ſpeak of, is the Breach of this grand Privilege of Parliament, as I conceive, by accuſing of High Treaſon thoſe ſix worthy Members of the ſame, during the Continuance thereof, for Matters debated on, and done in the ſame, as Members thereof; and, upon this Accuſation, to break open their Chambers, Trunks, and Studies, and ſeizing on their Books and Writings: Theſe, I conceive, are great Breaches of this Privilege, for theſe Reaſons:

1*ſt*, 'If to be queſtioned for free Debating, or Arguing, in Parliament be no Breach of this Privilege, then we cannot ſafely intermeddle with, or agitate any Buſineſs whatſoever, either concerning Church or State, but what ſhall be appointed and nominated by his Majeſty and his Privy Council; which is a Reſtriction of the Power of Parliament, given unto the ſame by the Royal Confirmation of his Majeſty, confirming to us, at our Meeting, all our Rights and Privileges.

2*dly*, 'If to accuſe the Members of the Parliament of Treaſon, for Things done in the Houſe, be not a Breach of this Privilege, then is it dangerous to ſit in Parliament upon any Buſineſs of Diſorders in the State, and Grievances of the Subject, committed by great Perſonages, as Lords and Biſhops; who may, by their ſubtle Inventions, induce his Majeſty to favour their Actions, they pretending all they do is for his Honour, Maintenance of his Prerogative and Royal Power, and the like.

3*dly*,

[1] Mr. *Grimſtone* and Mr. *Glynne*.

3*dly*, 'If upon any such Accusation, the Chambers, Trunks, and Studies, of such accused Members may be broken open, and their Writings seized on, be not a Breach of this Privilege, then will it altogether discourage any Man to undertake any Service for the Good of his Country; when he shall perceive he may, at Pleasure, be bereaved of such Means and Helps, as may enable and make him fit for the same. An. 17. Car. I. 1641. January.

'And now, Sir, having added to the former Speeches what I conceive necessary to the Business we have now in Debate, my humble Motion is, That a Declaration may be forthwith drawn, and set forth in Print, giving Notice to all his Majesty's loyal Subjects of the Privileges of Parliament, and Breaches thereof, by the accusing of these Gentlemen, breaking open their Chambers, &c. and endeavouring to apprehend and commit them to Prison; under a certain Punishment to be inflicted upon those that shall obstinately refuse to observe the same.'

The Committee hereupon came to several Resolutions in support of the Privileges of Parliament; which, upon the Report thereof to the House, were digested into one Declaration in Form.—This will appear under its proper Date.

As, in the before-mentioned short Recess of Parliament, the *Journals* of both Houses are silent, we shall refer our Readers to Lord *Clarendon* and Mr. *Rushworth* for what was further done, in this Interval, by the King, or the Committee of the Commons sitting then, first at the *Guildhall*, and after at *Grocers-Hall*, in *London*. We only think proper to mention, That the accused Members having withdrawn themselves into the City of *London*, the King went thither on the 5th of *January*; made a Speech to the Common-Council assembled at *Guildhall*, requiring their Assistance in apprehending the said Members; and dined with one of the Sheriffs, where he was nobly entertained. On the 8th he issued

The King issues out a Proclamation for apprehending Lord *Kimbolton*, &c.

An. 17. Car. I. 1641. January. issued out a Proclamation, commanding all Magistrates and Officers to apprehend and carry them to the *Tower*. And on the 10th, the Day before the Parliament met again, the King removed himself and Royal Family to *Hampton-Court*; from thence to *Windsor*; and, after several other Removes, went down to *York*, on the 19th of *March* following.

And leaves *London*. Upon this Occasion Mr. *Whitlocke* observes, 'That it was a great Wonder to many prudent Men, that the King should leave this City, the Place of his and his Predecessors usual Residence; where most of his Friends and Servants were about him, the Magazine of all Provisions both for War and Peace, the Place for Intelligence and Supplies, and betake himself to the Country, where these Things were not to be had; and, by his leaving the Town, bring great Disadvantages upon himself and his Affairs: This was thought not to have been done advisedly; but the Fears of those with him, and his own Fears for them, occasioned by great Numbers of People gathered together in a very tumultuous Manner about *Whitehall* and *Westminster*, and his Hopes that, by his Absence, the Heat of the House of Commons might, in some Measure, be cooled, were alledged in Excuse for this Action.'

The Parliament meet pursuant to Adjournment. *January* 11. This Day both Houses being to meet again at *Westminster*, pursuant to Adjournment, Mr. *Whitlocke*, again, informs us, 'The accused Members were triumphantly brought from *London* to *Westminster* by Water, by a great Number of Citizens and Seamen, in Boats and Barges, with Guns and Flags; braving as they passed by *Whitehall*, and making large Protestations, at *Westminster*, of their Adherence to the Parliament.'

The House of Lords begun Business with a Vote, 'That it was fit and necessary to have a strong and sufficient Guard, for the Security of both Houses, that they may sit in Safety: And that it was a legal Way for the Houses to require the Sheriffs of *Middlesex* and *London* to attend, for that Purpose, with a *Posse Comitatus*.' At the same Time, the King's An-

Anſwer to the Parliament's laſt Remonſtrance to him for a Guard, was reported to this Effect: An. 17 Car. I. 1641. January.

WE having conſidered the Petition of both Houſes of Parliament concerning a Guard, do give this Anſwer to it, That we will, to ſecure their Fears, command the Lord Mayor of London *to appoint* 200 *Men, out of the Trained Bands of the City, ſuch as he will be anſwerable to us for, to wait on the Houſes of Parliament; that is to ſay,* 100 *on each Houſe, and to be commanded by the Earl of* Lindſey; *it being moſt proper to him, as being Lord Great-Chamberlain, who, by his Place, hath a particular Charge of the Houſes of Parliament, and of whoſe Integrity, Courage, and Sufficiency, none can doubt.*

They receive the King's Anſwer concerning a Guard.

The Lord-Keeper acquainted the Houſe, that he had receiv'd a Letter from the King, commanding him to attend him at *Windſor*, with all Speed, the next Morning: Upon which the Lords gave him Leave to go, and ordered the Lord Chief Juſtice to ſit as Speaker in his Room.

The Lord *Kimbolton*, one of the accuſed Members, moved the Lords, 'That he lying under ſo great a Charge, which concerned his Life, his Eſtate, and his Honour which was deareſt to him, the Attorney-General might be commanded to proſecute the Accuſation againſt him, and he was ready to anſwer it: But if the Attorney-General was not ready, his Lordſhip ſaid he tendered himſelf to their Diſpoſal and Commands, his own Innocency making him thus confident.'

Lord *Kimbolton* moves for his Trial.

Mr. Attorney being commanded to ſpeak about this Matter, along with the other Proſecutions, ſaid, 'That what he did was by the expreſs Command of the King, his Maſter, and not done by his Advice; but ſince that, having attended the King to take his further Directions therein, his Majeſty told him, That when he went out of Town he would leave ſomewhat with the Lord-Keeper to be laid before this Houſe; yet, upon his

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asking the Lord-Keeper, he told him the King had not left any, but had sent for him to attend him speedily.

The Lords appoint a Guard for both Houses.

Serjeant-Major *Skippon*, with two Companies of the Train'd Bands, was ordered, by the Lords, to attend both Houses, every Day, for the Security of the Parliament, untill they should give Orders to the contrary.

Orders relating to the Magazine at *Hull*.

This Day, also, Sir *Philip Stapylton* brought up a Message to the Lords, to acquaint them, 'That the House of Commons were informed that there was then at *Hull* a Magazine of the King's, with Arms for 16,000 Men, and proportionable Ammunition: But in regard no great Strength was in the Town, and that the Country about was full of Papists, ill affected, the Commons desired their Lordships to join with them that some Companies of the Train'd Bands, next to *Hull*, might be forthwith put into that Town, for the Safeguard of it and the Magazine; the said Train'd Bands to be under the Command of Sir *John Hotham*, who had the Command of that Town already, by Patent from the King.' This was agreed to by the Lords, with this Addition, 'That the said Sir *John* should not deliver up the Town of *Hull*, or the Magazine there, or any Part thereof, without the King's Authority signified unto him by the Lords and Commons now assembled in Parliament.'

Ordered, also, That the King be made acquainted with this Order very speedily.

A Bill to enable the Parliament to adjourn themselves to any Place.

The said Sir *Philip*, also, brought up a Bill, intitled, *An Act that the Lords and Commons may adjourn themselves, respectively, to any Place*; which Bill was read three Times in the House of Lords that Day, and passed without any Opposition. The Lord-Keeper was ordered, when he attended the King, to acquaint him with the Order concerning *Hull*; and likewise to move his Majesty, from both Houses, that he would be pleased to give his Royal Assent to the Bill aforesaid, with another for

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preſſing of Mariners, and a third for redeeming of Captives in *Algiers*.

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A Meſſage was brought from the Commons, to let their Lordſhips know, That, in regard of the great Jealouſies and Diſtractions of *London*, by Sir *John Byron*'s being Lieutenant of the *Tower*, the Citizens ſhutting up their Shops and giving over Trade; and, in regard of their good Affections expreſſed to the Parliament, the Houſe of Commons deſired their Lordſhips to join with them to petition the King that Sir *John Byron* might be forthwith removed from being Lieutenant of the *Tower*; and that Sir *John Conyers* be recommended to his Majeſty for that Place.

The Commons deſire the Removal of Sir *John Byron* from being Lieutenant of the *Tower*, to which the Lords refuſe their Conſent.

The Lords taking this Meſſage into Conſideration, a great Debate aroſe; when, at laſt, on the Queſtion, it was reſolved, That this Houſe thinks not fit to join with the Commons in this Petition; and this Vote was immediately ſent down to them.

The laſt Things we ſhall take Notice of in the Buſineſs of this long Day, are Petitions from the County of *Bucks* to both Houſes, and entered in their *Journals*. They were brought up to Town by divers Knights, Gentlemen, and Freeholders, to the Number, ſays Mr. *Ruſhworth*, of about 4000, riding every Man with a printed Copy of the Proteſtation, lately taken, in his Hat. Their Petition to the Lords the *Collector* has given us; but has omitted that to the Commons, which ſtands thus in their *Journals*, and evidently ſhews the Temper of theſe Times.

To the Honourable the KNIGHTS, CITIZENS, and BURGESSES of the Houſe of Commons, now aſſembled in Parliament,

The HUMBLE PETITION of the Inhabitants of the County of BUCKS,

Sheweth,

THAT whereas, for many Years paſt, we have been under very great Preſſures, which are clearly ſet forth in the late Remonſtrance of the

Buckinghamſhire Petition againſt Biſhops, &c.

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House of Commons; the Redress whereof hath for a long Time been by you endeavoured with unwearied Pains, tho' not with answerable Success, having still your Endeavours frustrated or retarded, and we deprived of the Fruit thereof, by a malignant Faction of Popish Lords, Bishops, and others; and now, of late, to take from us all that little Hope which was left of a future Reformation, the very Being of the Parliament shaken; and, by the mischievous Practice of most wicked Counsellors, the Privileges thereof broken in an unexampled Manner, and the Members thereof unassured of their Lives, in whose Safety the Safety of us and our Posterity is involved; we hold it our Duty, according to our late Protestation, to defend and maintain the same Persons and Privileges, to the uttermost Expence of our Lives and Estates: To which Purpose we are now come to make the humble Tender of our Service, and remain in Expectation of your Command and Order; to the Execution whereof we shall, with all Alacrity, address ourselves, ready to live by you, or to die at your Feet, against whomsoever shall, in any Sort, illegally attempt upon you.

May it therefore please this Honourable Assembly to assist the ardent Prayer of your Petitioners, that Popish Lords and Bishops may be forthwith outed the House of Peers; that all Privileges of Parliament (yours and our Posterity's Inheritance) may be confirmed to you; and that all evil Counsellors, the Achans *of this Commonweal, may be given up to the Hand of Justice; without all which, your Petitioners have not the least Hope of the Kingdom's Peace, or to reap those glorious Advantages, which the fourteen Months Seed-time of your unparallel'd Endeavours have given to their unsatisfied Expectations.*

So your Petitioners shall be bound to pray, &c.

We find, by the *Journals*, that this Petition was extremely agreeable to the Commons.

Jan. 12. Both Houses seem to be in the utmost Confusion; many Informations being given of concealed

ecaled Arms, and of Insurrections, &c. This Day the Lords were informed, That there was a Design discovered for killing some of that House this Night; and the Earls of *Northumberland*, *Essex*, *Holland*, *Pembroke*, and *Leicester*, were particularly named. The Witness to this was one *Francis Moor*, call'd, in the *Journals*, an *Italian*, who overheard some Discourse between two, in that Language, tending thereto. But though the Persons accused were taken up and examined, yet nothing more came of it. An. 17. Car. I. 1641. January.

Several Orders, occasioned by Informations of Insurrections, Plots, &c.

The *Tower* of *London* was next the Care of both Houses. Informations had been given, that Ammunition and Provisions, in great Quantities, had been carried out and in, &c. Upon this the Lords agreed with the Request of the Commons, That a convenient Guard might be put round the *Tower*, both by Land and Water, under the Command of Major-General *Skippon*; and that the Common-Council of *London* might be made acquainted with this Order.

The Lieutenant of the *Tower* being likewise sent for to attend both Houses, he gave this Answer to the Message, 'That he was very ready to attend the Parliament, according to their Order; but he conceived he could not come without his Majesty's Leave first obtained, in respect he had received a Warrant from him, with a Command not to depart out of the *Tower* without his Leave, but to reside there.' A Copy of which Warrant the said Lieutenant sent to the Parliament.

The Lieutenant of the *Tower* sent for by the Lords, but refuses to come.

The Lords thought this Refusal of the Lieutenant's to come, a high Contempt of the Order of that House, notwithstanding the King's Warrant; because the King's Command is always supposed to be implied in an Order of their House.

After some Debate, the Lords sent a Message to the Commons to acquaint them with this Affair; who soon after return'd their Lordships these Votes;

1. 'That Sir *John Byron*, the now Lieutenant of the *Tower*, hath committed a high Contempt against the Authority and Privileges of Parliament, by refusing to appear upon the Summons of Parliament.

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2. 'That Sir *John Byron* ſhall be ſent for as a Delinquent.'

To the firſt Vote the Lords agreed, but demurred to the ſecond for that Time.

A Meſſage was brought up from the Commons, That Col. *Lunsford* and the Lord *Digby* had appeared in Arms, at *Kingſton* upon *Thames*, to the Terror and Affright of his Majeſty's Subjects, *&c.* and to deſire their Lordſhips that Lord *Digby* might be ſent for to attend their Service, as a Member of that Houſe. The Lords anſwered, That they would ſend for him, if he was at *Kingſton* or at Court; but if he was gone to *Sherborn*, in *Dorſetſhire*, to fetch his Lady, he had Leave to do it.

The Earl of *Southampton* dropping ſome Words, this Day, in a Debate, 'That the Parliament had neglected their Duty to the King, for the Safety of his Perſon,' he was call'd upon to explain them. After which it was reſolved, upon the Queſtion, *Nem. Con.* 'That this Parliament hath perform'd their Duty to the King, for the Safety of his Perſon; and that the Earl had ſatisfied the Houſe with his Explanation.

Jan. 13. Some further Regulations were made, in the Houſe of Lords, for the Security of the City of *London*, and the neighbouring Counties, againſt Lord *Digby*'s Inſurrection at *Kingſton*.

The King's Anſwer concerning the Magazine at *Hull*, *&c.*

The ſame Day, the Lord-Keeper reported, 'That he had waited on the King, according to their Lordſhips Commands, and had moved his Majeſty, from both Houſes, to be pleaſed to give his Royal Aſſent to the three Bills lately paſſed: And had likewiſe acquainted him with the Order made concerning the putting of Sir *John Hotham* into *Hull*, for the Security of that Town and the Magazine there;' to which his Majeſty return'd theſe Anſwers:

1. 'Concerning the Bill for preſſing of Mariners, 'and that for the Captives at *Algiers*, his Majeſty 'is content to give his Aſſent to them; and, for

'that

'that Purpoſe, had given Warrant for a Commiſ- An. 17. Car. I.
'ſion: But, for the Bill for giving Power to the 1641.
'Houſes to adjourn to *London*, *&c.* his Majeſty January.
'ſays, in regard that neither he, nor any of his
'Council had ſeen it, he would take ſome Time
'to conſider of it, before he reſolved any Thing
'therein. For the Fears concerning *Hull*, his
'Majeſty hath formerly conſidered the ſame; and
'hath already taken ſpecial Care for the Security
'of that Place from the adjoining Papiſts.'

The Lord-Keeper alſo reported what his Majeſty had commanded him to deliver, concerning the Lord *Kimbolton* and the five Members.

'That his Majeſty taking Notice that ſome think His Declaration, waving any pre-
'it diſputable, whether this Proceeding againſt that ſient Proceeding
'Lord and thoſe Gentlemen be legal, and agreeable againſt the accu-
'to the Privileges of Parliament; and being very ſed Members.
'deſirous to give Satisfaction to all Men in all Mat-
'ters that may ſeem to have Relation to Privilege,
'he is pleaſed to wave his former Proceedings; and
'all Doubts being by this Means ſettled, when the
'Minds of Men are compoſed, he intends to pro-
'ceed therein in an unqueſtionable Way; and aſ-
'ſures his Parliament that, upon all Occaſions, he
'will be as careful of their Privileges, as of his
'Life and his Crown.'

This Anſwer from the King was ordered to be communicated to the Houſe of Commons.

We meet with the following Speech of the Earl of *Monmouth*, this Day, in the Houſe of Lords, on occaſion of the King's having withdrawn himſelf from *Whitehall*[s].

My Lords,

'I Shall deſire to be heard ſpeak a few Words, Earl of *Mon-*
which I would much rather have heard ſpo- *mouth*'s Speech
ken by any of your Lordſhips, that ſo they might for the King's
have had a happier and a more handſome Expreſ- Return to *White-*
ſion; tho' with a better Heart, and clearer Inten- *hall*.
tions, they could not have been ſpoken.

'The

[s] *London*, printed for *J. Benſon*, 1642.

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'The ſad Condition we are now in, my Lords, is ſuch as is too apparent to any Man, who hath but half an Eye: The City of *London* is full of Jealouſies and Apprehenſions; we ſit not here free from Fears; the King hath withdrawn himſelf from hence, together with his Queen and Children, out of a Belief, as I conceive, that his Majeſty's Perſon was not ſafe here. While Things continue in this Poſture, my Lords, we may well fear an impairing, but we can hardly hope for the bettering of Affairs. God hath placed us, my Lords, in the *Medium* betwixt the King and his People; let us play our Parts, my Lords; let us do our Duties, and diſcharge our Conſciences; let us really prove ourſelves what we are by Name, Noblemen; let us endeavour to work a perfect and a true Underſtanding between the King and his People; let us freely unboſom ourſelves to his Majeſty; and deſire that his Majeſty will be pleaſed to do ſo to us; and to this End, my Lords, which is the End of my Motion, if it ſhall be approved of by your Lordſhips, I do humbly move, That, by Way of Conference, or any other Way, we may deſire the Houſe of Commons to join with us; firſt, in an humble Petition to his Majeſty, that he would be graciouſly pleaſed to return to his good City of *London*, as the ſafeſt Place, we conceive, for his ſacred Perſon in theſe diſtemper'd Times; and, then, that they will likewiſe join with us in a Proteſtion, or Proteſtation, that we will do what in us lies to free his Majeſty from his Fears; to take from the Citizens of *London*, and his Majeſty's other Subjects, their Jealouſies and Apprehenſions; and that we will live and die his Majeſty's Faithful Advicers, Counſellors, and loyal Subjects.'

The Event of this Motion does not appear by the *Journals*.

The Lieutenant of the *Tower* being, at laſt, come to the Houſe, was brought to the Bar; and being aſk'd, why he committed the high Contempt Yeſterday, he anſwered, 'That he was in a Dilemma between

tween his Majesty's Commands and their Lordships Order; but he understanding since that the King's Command is involved in that Order, and was one in Effect, he desired their Lordships Pardon for his not coming Yesterday; professing he did it not out of any Disobedience or Contempt of the Parliament.' This Answer was sent to the Commons, and the same Day the Lieutenant was dismissed his Attendance on the Lords for that Time. An. 17. Car. I, 1641. January.

The Attorney-General was then heard what he could say to justify himself, for charging the Lord *Kimbolton* and the five Members, and to prove it was a Parliamentary Proceeding, and no Breach of Privilege.

The Attorney-General examined in relation to the Proceedings against Lord *Kimbolton*, &c.

And, first, he said, 'That for the Matter of the Charge, and the framing of the Articles, he had nothing to do with them, neither did his Majesty advise with him therein; but the bringing of the Charge into that House, which he did by his Majesty's Command, and only in Obedience thereunto: And, for the Legality of this Proceeding, he insisted upon, and opened at large, the whole Proceedings of the King's Attorney in the Earl of *Bristol*'s Case, *secundo Caroli*; which being done, the House appointed to take that Business into further Consideration the next Day.

The Lord *Kimbolton*, upon his Majesty's late Message concerning himself and the five Members, moved, 'That since his Majesty waved the former Proceeding, the House would become Suitors to his Majesty that he might be brought to as speedy a Trial as possible, that so he might not lye under this Accusation; but be cleared or judged.'

The Commons also having desired Liberty to examine the Attorney-General, upon certain Interrogatories, he made it his humble Request to the Lords, 'That he might be excused from answering to any Questions to discover what the King had committed to him as secret Counsel, which, by his Oath, he was bound not to reveal; but what concerned himself he would willingly and ingenuously answer to.' And it was the Sense of the House,

That

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That if Mr. Attorney, at the Conference, ſhould deſire not to anſwer to ſome Queſtions that may be aſked him, the Houſe will take it into Conſideration whether it be fit for him to anſwer or not.

A Meſſage from the Houſe of Commons was brought up, this Day, to the Lords, by Mr. *Whitlocke*, with a Declaration for putting the Kingdom into a Poſture of Defence; which, having paſſed their Houſe, they deſir'd their Lordſhips to join with them therein, that it might be diſperſed throughout the Kingdom. This Declaration was as follows: [a]

The Commons Declaration for putting the Kingdom into a Poſture of Defence.

'WHereas the Papiſts, and other ill-affected Perſons within this Kingdom, both before and ſince this Parliament, by many wicked and traiterous Deſigns, mentioned in a Remonſtrance of the State of this Kingdom, have plotted and laboured the Confuſion of this State and Government; the Subverſion of the antient and Fundamental Laws of this Kingdom, and a Diviſion of the Body of this Commonwealth from the Head thereof; to the end they might the better effect their deviliſh and bloody Purpoſes, for the utter Deſtruction of the true Reformed Religion and the Profeſſors of the ſame; and, in further Purſuance of their wicked Endeavours, have and daily do contrive all poſſible Means to bring this Kingdom into the like miſerable Condition with that of *Ireland*; as does clearly appear to the Lords and Commons in this preſent Parliament, by ſundry Informations and Examinations produced before them: And they, the better to bring the ſame to paſs here, do ſecretly and cunningly work to raiſe Diſtractions in this Kingdom, by high Breaches of the Privileges of Parliament; plotting to have ſome of the Members thereof accuſed of High Treaſon, and to be taken out of the Houſe of Commons by Force; and, to that End, reſorting in great Numbers, in a warlike Manner, to the very Doors of the ſaid Houſe, arm'd with Swords

[a] From the *Commons Journals*: This extraordinary Declaration, with the Conſequences thereof, is not mention'd at all in *Ruſhworth*.

'Swords, Piſtols, and other Weapons, ready, and 'intending to fall upon the ſaid Houſe, and cut the 'Throats of the Members there, as by divers Ex- 'aminations clearly appears; whereby this Parlia- 'ment might have been involv'd in Blood and Con- 'fuſion, the Relief of the *Iriſh* Proteſtants prevent- 'ed, and an evident and ſpeedy Way opened to the 'Ruin of us and our Religion here in this King- 'dom: But failing of their Hopes therein, through 'the great Mercy of God towards us; neverthe- 'leſs, they ſtill perſiſt in their wicked and traiterous 'Courſes, confederating themſelves with Strangers, 'and inſtigating Foreign Princes to join their Coun- 'ſels and Forces, and by Invaſion from abroad, 'and inteſtine War here amongſt ourſelves, to 'waſte the Wealth and Subſtance, and totally to 'annihilate the true Proteſtant Religion, and the 'whole Frame of Government in all his Majeſty's 'Dominions. And, building upon that Founda- 'tion, great Numbers of Soldiers, Papiſts, and 'other diſaffected Perſons to our Exiſtence and 'Well-being, have enrolled themſelves in a Liſt, 'under the Commands of Perſons fit for the Execu- 'cution of their wicked Deſigns; and have made 'great Preparations of Arms, Ammunition, and 'Victuals in ſeveral Parts of the Kingdom; where 'they have likewiſe had frequent Aſſemblies to 'conſult how they might compaſs their deteſtable 'Machinations; and, thro' malignant Counſels, 'have prevailed ſo far, as to have the *Tower* of '*London*, and other Places of eminent Strength and 'Truſt, to be put into the Hands of ſuch Perſons 'as we have juſt Cauſe to ſuſpect will adhere to 'them, and turn the Strength of the Kingdom 'againſt itſelf:

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'All which, the Lords and Commons, in this 'preſent Parliament aſſembled, as Watchmen 'truſted for the Good and Welfare of the King, 'Church, and State, having taken into their ſerious 'Conſideration, and labouring by all fit Means to 'prevent theſe great and threatning Dangers to his 'Majeſty's Royal Perſon, to our Religion, Lives,

'Li-

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'Liberties, and Fortunes, have thought good to 'give timely Advertiſement thereof to all his Ma- 'jeſty's Subjects of the Reformed Proteſtant Reli- 'gion; declaring thereby that they hold it neceſ- 'ſary and adviſeable, that with all Expedition they 'put themſelves into a Poſture of Defence, to pro- 'vide fit Arms and Ammunition, and be ready, on 'all Occaſions, to defend their ſeveral Counties 'from domeſtic Inſurrections or foreign Invaſions. 'And that the Sheriffs, Juſtices of the Peace, 'Mayors, and Head-Officers, within their ſeveral 'Liberties, do take Care that their Magazines of 'Powder, Arms, and other Ammunition be com- 'pleatly furniſhed; and that they cauſe ſtrong 'Guards and Watches to be ſet in convenient 'Places to ſecure themſelves, and for the appre- 'hending of ſuch Perſons as they ſhall have juſt 'Cauſe to ſuſpect; and if, upon Examination, any 'Grounds of Danger ſhall appear, to give Notice 'thereof to the Parliament; and that all Officers 'do take Care that no Soldiers, Arms, or Ammu- 'nition, be raiſed or levied, nor any Caſtles, Forts, 'or Magazines, delivered up without his Majeſty's 'Authority ſignified by both Houſes of Parlia- 'ment.'

Jan. 14. Buſineſs began in the Houſe of Lords with reading a general Order for ſuppreſſing of Tumults and unlawful Aſſemblies throughout the Kingdom; wherein Lord *Digby* and Col. *Lunsford*'s Armament, at *Kingſton* upon *Thames*, was particularly mentioned. This was ordered to be ſent down to the Lower Houſe.

This Day the Commons ſent up a Remonſtrance to the Lords, againſt the Marquis of *Hertford*, for ſome Remiſſneſs in his Government of the Prince; and to deſire their Lordſhips to join with them in an humble Deſire to the King, That he would not, on any Cauſe whatſoever, ſuffer the Prince to be conveyed out of the Kingdom, without the Advice and Conſent of Parliament.

The

The Lords took into Consideration the Declaration sent up the Day before by the Commons, concerning putting the Kingdom into a Posture of Defence; and, after much Debate, the Question was put, Whether the Preamble of this Declaration should be referred to a Committee to be so drawn, that it may appear to be the Narrative of the House of Commons only, and so published? It passed in the Negative. But though the Lords refused even to commit this Declaration, yet it was resolved to have a Conference with the House of Commons, to hear the Reasons that induced them to make this Narrative therein. An. 17. Car. I. 1641. January. To which the Lords refuse their Concurrence.

The Lord-Keeper acquainted the Lords, That he had just then received a Letter and a Message from the King; both which were ordered to be read, and were in these Words:

My Lord-Keeper,

THIS is to command you to deliver that which is contained within the inclosed Paper, as a Message from me to both Houses; and that instantly, and without Delay. And so I rest

Your assured Friend,

Windsor, Jan. 14. 1641.

CHARLES *R.*

The Message was as follows:

HIS Majesty being no less tender of the Privileges of Parliament, and thinking himself no less concerned that they be not broken, and that they be asserted and vindicated whensoever they are so, than the Parliament itself, hath thought fit to add to his last Message, this Profession, That in all his Proceedings against the Lord Kimbolton, *Mr.* Holles, *Sir* Arthur Haselrigge, *Mr.* Pymme, *Mr.* Hampden, *and Mr.* Strode, *he had never the least Intention of violating the least Privilege of Parliament; and in case any Doubt of Breach of Privilege remains, he will be willing to clear that, and assert those, by any reasonable Way that his Parliament shall advise him to: Upon Confidence of which he no way doubts his Parliament* The King's second Message relating to the accused Members.

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ment will forthwith lay by all Jealousies, and apply themselves to the public and pressing Affairs, and especially to those of Ireland; *wherein the Good of this Kingdom, and the true Religion (which shall ever be his Majesty's first Care) are so highly and so nearly concerned; and his Majesty assures himself, that his Care of their Privileges will increase their Tenderness of his lawful Prerogative, which are so necessary to the mutual Defence of each other; and both which will be the Foundation of a perpetual perfect Intelligence between his Majesty and his Parliament, and of the Happiness and Prosperity of his People.*

Ordered, That this Message should be immediately communicated to the Commons at a Conference.

Jan. 15. In a Debate concerning the Lord *Digby* and the *Kingston* Business before mentioned, Sir *Philip Stapylton* made the following Speech: [r]

Mr. Speaker,

Sir *Philip Stapylton*'s Speech on Occasion of Lord *Digby*'s and Col. *Lunsford*'s appearing in Arms at *Kingston*.

'IT is the continual Practice of the Devil, after any of his Works of Darkness, and Maliciousness intended against God and his *Christ* are discover'd and annihilated by the special Power of Divine Providence, to practise new; being always striving to increase his own Kingdom, always winning to himself fresh Instruments, to yield to his Suggestions and Temptations, and execute the same.

'I am now to speak concerning this new Treachery and Conspiracy, endeavoured to be practised by two eminent Persons; that have, especially the one of them, obtained the Favour not only of their Prince, but applauded for their better Parts by most of his Majesty's Subjects, Lord *Digby* and Col. *Lunsford*: The first had the Honour to sit in this House as a Member thereof, so well approved was he both of his King and Country; none more fervent against Evil-doers, at the first, than himself seemed

[r] From *Nalson*'s *Collections*: It is not in *Rushworth*, nor do we meet with it in the Pamphlets of the Times.

seemed to be, both by his Speeches and Disputes; but, in Heart, always, as it seems, favouring the Bishops and their Cause; and although it seemed but a little, yet increasing daily more and more, he grew to such Strength in his Opinion concerning his own Worth, that he adventured to take Part with the Earl of *Strafford*, trusting too much on the same: So high his Pride, that at length he presumed to oppose and set himself against the Proceedings of the whole House against the said Earl, obstinately refusing to be admonished concerning the same; and yet, keeping many of the Lords his Friends, he was, by his Majesty, as a Baron, called to that House; and aspiring yet higher, obtained his Prince's Favour, not yet acquainted with his secret Intentions; by which Means, too confident of Safety and Security in his Designs, he adventured openly to comply with the public Enemies both of King and Country, and especially now, with this other Person of whom I am to speak, this Colonel; who, being by his Majesty advanced to that Dignity and Trust, could not so content himself, but imitating the Water-Toad, seeing the Shadow of a Horse seem bigger than itself, swelled to compare with the same, and so burst; even so this Gentleman, having obtained first this Place of Command, and afterwards Lieutenant of the *Tower*, and being found of such a malignant Spirit that he was unfit and incapable for that great Place of Trust, and therefore removed; taking the same a great Dishonour to his Worth, he now endeavours, by traiterous and desperate Actions, to defend himself, and be reveng'd of his pretended Adversaries; and to that Purpose they have, between them jointly, raised Arms against the State, met together in peaceable Consultations for the Good of the Church and Commonwealth.

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'Mr. Speaker, these Attempts, made by these Persons, are of dangerous Consequence; and this their Insurrection, (by taking up Arms without Warrant both from his Royal Majesty and this High Court of Parliament, only to do Mischief in raising

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raiſing Sedition and Contention, thereby to preſerve themſelves from being called to an Account for their deſperate Actions) will prove harder to appeaſe and ſuppreſs, than any Troubles we have yet ſuffered.

'Mr. Speaker, I conceive quick Diſpatch in our Intentions, for the apprehending and ſuppreſſing theſe Perſons, is the only Means to prevent future Danger: And to that Purpoſe I deſire to preſent to your Conſiderations theſe Particulars:

1*ſt*, 'That Warrants may iſſue forth for the ſpeedy and private apprehending of them, in what Places ſoever they ſhall be found, and immediately to bring them before the Parliament.

2*dly*, 'If this cannot be effected, to iſſue forth Proclamations for their Calling in, within a certain Time prefix'd, under Penalty of being proſecuted and proceeded againſt as Traitors to their King and Country.

3*dly*, 'That Warrants be forthwith ſent for the guarding and ſecuring of all the Ports of this Kingdom; and for the intercepting of all Packets or Letters intended to be conveyed into foreign Kingdoms, or any brought from thence hither.

4*thly*, 'That Order be ſent down into the ſeveral Counties of this Kingdom, where it is ſuſpected either of theſe Perſons have any Friends or Favourites, Well-wiſhers to their Cauſe; with Command to the Sheriffs, and ſeveral Officers of ſuch Counties, to ſtand upon their Guard, and to raiſe Force for their own Defence and Safety; and to endeavour, by all Means poſſible, to apprehend and ſuppreſs them and ſuch of their Conſpiracy as ſhall be taken, preſently to be ſent up to Parliament, to be examined and proſecuted according as they ſhall be found.

5*thly*, 'That Order may be made by the Parliament, That no Officer, that ſhall be found to have a Hand in this Plot, may be employ'd in any Service of public Command, either for *Ireland* or any other of his Majeſty's Dominions, or any private Affairs of this Kingdom.

6*thly*,

6*thly*, 'That we may, without further Delay, proceed to Sentence against all Delinquents, by this Honourable House accused for any Crime whatsoever, in whose Defence, or for whose Cause, these Persons now accused pretend to take up Arms. An. 17. Car. I. 1641. January.

7*thly*, 'That his Majesty may be moved graciously to be pleased to declare himself against these Persons, and all others that do any ways pretend to his Authority or Warrant for what they do.

8*thly* and *lastly*, 'His Majesty may be moved to avert his intended Journey to *Portsmouth*, for the Security of his Royal Person, till such Time as these Dangers be removed, and the Peace and Unity of all his Majesty's loyal Subjects be settled.

'And thus, Mr. Speaker, having presented such Things to this House, which I humbly conceive to be necessary to suppress and prevent this new Danger, threatened by these two disaffected and male-contented Persons, the Lord *Digby* and Colonel *Lunsford*, I leave the same to the further Consideration of this Honourable House; desiring, from my Heart, that it would please God to end all the Troubles and Distempers of this Commonwealth; and that this High Court of Parliament may prove the firm Settlement of all Things amiss, both in Church and State.'

The Effect of this Speech will be seen in the Sequel.

The same Day, *Jan.* 15, a Conference was held between the two Houses, at the Desire of the Commons, concerning the *Tower* of *London*; wherein they renewed their former Motion, That the Lords would join with them, in getting the present Lieutenant removed, and such a Person put in as the King, Parliament, and City may confide in. They said, That Sir *John Byron* had been disobedient to the Summons of both Houses; but that they spoke not as desiring he might be punished for it, but as a Ground of Distrust. That the Citizens said, Tho' the Lieutenant might be a worthy Gentleman otherwise, yet he was a Man unknown to them, The Commons renew their Desire to the Lords for removing Sir *John Byron*.

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and that his being in that Poſt produced ill Effects. That the Merchants began to draw their Bullion out of the Mint; had wrote to their Factors to ſend no more; that a Ship was in the *Thames*, in which was a great deal of Bullion, but the Owners would not carry it to the Mint, becauſe they cannot confide in the Lieutenant of the *Tower*. That it concerned the City and Trade exceedingly, for it was a Charge to the City to keep a Guard about the *Tower*; therefore they deſired their Lordſhips to join with them, in petitioning the King to have this Man removed, and Sir *John Conyers* to be put in his Place.

Before the Lords would come to any Reſolution in this Affair, they ordered that Certificates ſhould be made of theſe Matters, from the Common-Council of *London*, and the Merchants there, of the Decay in Trade, *&c.* and whether it proceeded from Sir *John Byron*'s being Lieutenant of the *Tower*; and theſe to be ſpeedily laid before the Lords in Parliament.

The Earl of *Eſſex* acquainted the Houſe of Lords, That the King had commanded him, as Lord-Chamberlain of the Houſhold, and the Earl of *Holland*, as Groom of the Stole, to attend his Majeſty at *Hampton-Court*; concerning which they prayed the Pleaſure of the Houſe, being required, by their Writs, to attend the Buſineſs of the Kingdom at *Weſtminſter*. The Lords reſolved, Not to diſpenſe with their Abſence, in reſpect of the many great and urgent Affairs depending: Hereupon they excuſed themſelves to his Majeſty, That, in Obedience to his Writ, they were obliged to aſſiſt in Parliament; and that their Attendance there, about the high Affairs of the Realm, was truer Service to his Majeſty than any they could do him at *Hampton-Court*.

The Lords refuſe to let the Earls of *Eſſex* and *Holland* go to the King at *Hampton-Court*.

Lord *Clarendon* tells us, 'This Refuſal ſo incenſed the King, that from this Time he was determined to remove thoſe two Lords from their reſpective Offices:' — But he did not put his Reſolution into Execution till the *April* following, as will appear in the Sequel.

Nothing remarkable happened in the Forenoon of this Day, except a Meſſage from the Commons,

mons, to desire the Lords to join in a Petition to the King, to appoint a Day when he will give his Assent to the Bill, *For enabling the Parliament to adjourn themselves to any Place:* And also to move his Majesty to concur with both Houses, in the Order made concerning giving Power to Sir *John Hotham* for securing the Town of *Hull*, and the Magazine there, for his Majesty's Service. They likewise desired their Lordships would sit that Afternoon, for they had Business of Importance to communicate to them; which was consented to. An. 17. Car. I. 1641. January.

Accordingly a Remonstrance came up from the Commons, about Horses and arm'd Men raised near *Kingston*, to the Number of 1000, to their Amazement that in Time of Peace, and the Parliament sitting, such Forces should be raised. They desired also, that such Persons as raised them might be declared Disturbers of the Peace of the Kingdom; and that the Lord *Digby*, who had been with the Soldiers at *Kingston*, and had given them Thanks in the King's Name, and told them, 'That his Ma-'jesty had brought them out of *London* to keep them 'from being trampled in the Dirt,' might be sent for forthwith to attend the House. Hereupon it was ordered, that the Lord *Digby* be sent for to attend the House, as a Peer of this Realm, without Fail. A Remonstrance from the Commons to the Lords, against Lord *Digby*.

The same Day Serjeant *Wylde* reported the Conference, had on *Thursday* Night last with the Lords, concerning Mr. Attorney's exhibiting Articles in the Lords House against Members of this House, as follows: 'The Conference consisted of two Parts; *first*, the Narrative Part, That these Articles exhibited by Mr. Attorney, and entered in the Lords House, was a Breach of Privilege of Parliament; and that, in due Time, this House would desire that Justice might be done upon Mr. Attorney.' The *second* Part was, 'To examine Mr. Attorney upon certain Questions, and to receive his Answer: *First*, He being ask'd, *Whether he contrived, framed, or advised the said Articles, or any of them; if not, then whether he doth know, or hath ever* The Examination of the Attorney General concerning the Articles against the accused Members.

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heard, who did frame, contrive, or adviſe the ſame, or any of them? To this he anſwered, *That he would deal clearly, freely, and ingenuouſly, and that he ſhould ſay the ſame which he had before delivered to the Lords, and ſhould need no long Time to anſwer this; for that he had done none of theſe three, that is, neither framed, adviſed, or contrived theſe Articles, or any of them; and would be contented to die if he had.*

Secondly, Being demanded, *Whether he knew the Truth of theſe Articles, or any of them, of his own Knowledge, or had it by Information?* To this he anſwered, *He did know nothing, of his own Knowledge, of the Truth of theſe Articles, or any Part of them, nor hath heard it by Information. All that ever he hath heard concerning this was from his Maſter.*

Thirdly, Being aſk'd, *Whether he will make good theſe Articles, when he ſhall be thereunto called in due Courſe of Law?* To this he anſwered, *He cannot do it, nor will not do it, otherwiſe than as his Maſter ſhall command him and ſhall enable him, no more than he that never heard of them can do it.*

Fourthly, Being aſk'd, *From whom he received theſe Articles, and by whoſe Direction and Advice he did exhibit them?* He anſwered, *He did exhibit them by his Maſter's Command, and from his Hands he did receive them.*

Fifthly, Being aſk'd, *Whether he had any Teſtimony, or Proof, of the Articles before the exhibiting of them?* He gave this Anſwer, *That he received the Command of his Majeſty; but whether he had any Proof then offered, or Intimation of Teſtimony, to make good thoſe Articles, he deſired Time to conſider of it.* He was preſs'd again to make Anſwer to this, but deſired Time to conſider of it, ſaying, *There was a ſecret Truſt between a Maſter and a Servant, much more in this Caſe.*

Hereupon it was ordered, That ſome Way be thought of for charging Mr. Attorney, by this Houſe, as criminous, for exhibiting thoſe Articles in the Lords

Lords Houſe againſt Members of this Houſe, without any Information or Proof that appears; and that this Houſe, and the Gentlemen charged by him, may have Reparation from him; and that he may put in good Security to ſtand to the Judgment of Parliament.'

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It was alſo reſolved, 'That a Committee be appointed to prepare a Charge againſt Mr. Attorney, upon theſe Votes of the Houſe.'

The Lord-Keeper reported the Effect of another Conference held this Afternoon, by the Deſire of the Commons, concerning the King's laſt Meſſages, about the Impeachment of their five Members, 'That the Commons had taken them into ſerious Conſideration, and had reſolved, upon the Queſtion, That the ſaid Impeachment, and the Proceedings thereupon, are a high Breach of Privilege of Parliament: That, in order to vindicate this Breach, they propoſe a Committee of both Houſes may meet to conſider about it; and to petition his Majeſty, That thoſe who informed him againſt theſe Members, may come in in five Days Time to charge them; or elſe that they may be cleared, in ſuch a Way as the Parliament ſhall think fit.' The Lords, hereupon paſſed the ſame Vote as the Commons, and appointed a Committee of twenty-one of their Houſe to meet with a proportionable Number of the Commons to conſider of this Affair.

A Committee of both Houſes appointed to conſider further of that Matter.

January 17. The King's Anſwer to ſome Propoſitions ſent him, on *Saturday* laſt, by the Duke of *Richmond*, was, 'That as to the Bill for adjourning the Parliament from *Weſtminſter* to *London*, or any other Place, his Majeſty will take further Time to conſider of it. And as to the ſecuring the Town and Magazine, at *Hull*, his Majeſty conceives he hath formerly given a ſatisfactory Anſwer.'

A Committee of the Lords and Commons were appointed, jointly, to meet at *Grocers-Hall*, in *London*, to conſider of the Safety of the Kingdom, the

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Privileges of Parliament, the Affairs of *Ireland*, and concerning ſettling the preſent Diſtempers.

Some Merchants and Goldſmiths having preſented a Petition to the Lords this Day, againſt the Lieutenant of the *Tower*, they were called in and aſked theſe Queſtions:

What Number of Merchants and Goldſmiths beſides themſelves, brought in Bullion to the Mint?

They anſwered, *Sir* Peter Richaut, *and ſome few more, but not many.*

What Reaſon they had for their Fears and Jealouſies of Sir John Byron, *and why they forbore to bring their Bullion to the Mint?*

They ſaid, *They heard he had diſobeyed the Orders of both Houſes of Parliament; alſo, that he was a Gentleman unknown to them; and they deſired to have ſuch a Lieutenant put in as the Parliament approved on.*

The Merchants being withdrawn, a great Debate aroſe amongſt the Lords, and the Queſtion being put, That this Houſe will join with the Houſe of Commons in an humble Petition to his Majeſty to remove Sir *John Byron*, Knt. from being Lieutenant of the *Tower* of *London*, and to place Sir *John Conyers* in his Room; it paſſed in the Negative. Before the Queſtion was put, the following Lords demanded their Right of Proteſtation, and that they might have Liberty to enter their Diſſents to this Vote; which the Houſe gave Leave to, *viz.*

The Lords refuſe to join with the Commons for removing Sir *John Byron* from being Lieutenant of the *Tower*;

Whereupon ſeveral Peers enter their Diſſent.

Earl of NORTHUMBERLAND, *Lord-Admiral.*
Earl of BEDFORD.
Earl of PEMBROKE.
Earl of LEICESTER.
Earl of SALISBURY.
Earl of WARWICK.
Earl of HOLLAND.
Earl of BOLINGBROKE.
Earl of STAMFORD.
Viſc. SAY & SELE.
Lord WHARTON.
Lord PAGET.
Lord NORTH.
Lord HUNSDON.
Lord WILLOUGHBY *de Parham.*
Lord SPENCER.
Lord ST. JOHN.
Lord BROOKE.
Lord ROBERTS.
Lord GREY *de Werk.*
Lord FIELDING.
Ld. HOWARD *de Eſcrick.*

This

This Day the twelve Biſhops were brought ſeverally to the Bar of the Houſe of Lords, a Committee of the Houſe of Commons being preſent; and firſt the Archbiſhop of *York*, who, kneeling as a Delinquent, was bid to riſe; when the Lord-Keeper, by Direction of the Houſe, told him, That this was the Day appointed for him to give in his Anſwer to the Impeachment of the Commons againſt him for High Treaſon. An. 17. Car. I. 1641. January. The twelve impeached Biſhops brought to the Bar of the Houſe of Lords.

His Grace anſwered, That on the 30th of *December* laſt he received an Order, with an Impeachment of High Treaſon, by the Commons, againſt himſelf and eleven other Biſhops; and that they had ſince received ſeveral other Orders, on ſeveral Days, to put in their Anſwers, and the laſt Order for this Day; that he was come according to their Lordſhips Commands; and for his own Anſwer to the Charge, he gives it in this Manner:

'I *John*, Archbiſhop of *York*, ſaving to myſelf 'all Advantages of Exception to the Inſufficiences 'of the ſaid Impeachment, for myſelf ſay, That 'I am *Not Guilty* of the Treaſon charged by the 'ſaid Impeachment, in Manner and Form as the 'ſame is therein charged.' Their Anſwer to the Charge againſt them.

The Archbiſhop deſired a preſent, or ſpeedy Trial, and then withdrew. In like Manner all the reſt of the Biſhops were brought to the Bar, and gave the ſame Anſwer. Afterwards the Biſhops delivered in the following Petition:

To the Right Honourable the LORDS, aſſembled in the Houſe of Peers,

The HUMBLE PETITION of JOHN Archbiſhop of *York*, and other the Biſhops impeached by the Houſe of Commons, the 30th of *December* laſt,

Humbly ſheweth,

THAT your Petitioners, by your Honourable Order, were to put in their Anſwers thereunto the 7th Inſtant; and have had, ſince, ſeveral Days for that Purpoſe, aſſign'd them; and are now, the 17*th* Their Petition to be bailed.

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17th *Instant, brought hither by your Lordships Order. They having always been, as now, ready to obey your Lordships Commands; and many of them being already much impaired, both in their Healths and Estates, do humbly pray, That a speedy Proceeding may be had therein, and that, in the mean Time, they may be admitted to Bail.*

And your Petitioners shall ever pray for an Increase of divine Blessings on your Lordships.

Jo. Eborac'	Guil. Bath & Welles
Tho. Duresme'	Geo. Hereff'
Rob. Co. Liche'	Matth. Elien'
Jos. Norwic'	Godfrey Gloucest'
Jo. Asaphen'	Jo. Petriburg'
Ro. Oxon'	Morg. Llandaff'

But they are remanded, and a Day fixed for their Trial.

The Lords ordered the Trial of the twelve Bishops to be on the 25th of this Instant *January*; and, in the mean Time, the Bishops of *Durham*, and *Coventry* and *Lichfield* were remanded to the Custody of the Black Rod, and all the rest to the *Tower*.

A Letter from the King was sent to the Lords by the Lord-Keeper, and some Papers inclosed, to be communicated to that House; which were read in these Words:

The King's Letter, occasion'd by an Order of the Lords concerning the Safety of the Prince.

'His Majesty hath seen the Lords Order, upon 'the Motion of the House of Commons, given to 'the Marquis of *Hertford*, concerning his Care and 'Attendance upon the Prince, not without Wonder that this Parliament should make such an 'Order; which can hardly be otherwise understood, 'than as if there had been a Design of sending the 'Prince out of the Kingdom; which must necessarily throw Reflections upon his Majesty, the 'Prince being now in the same Place with him; 'and his Majesty hath shewed himself both so good 'a Father and a King, that he thinks it strange that 'any should have such a Thought, as that he would 'permit the Prince to be carried out of the Kingdom, or that any durst give him such Counsel.'

The

The Lords ordered this Meſſage to be ſent to the Commons at *Grocers-Hall*; and then adjourned to the 20th Inſtant. An. 17. Car. I. 1641. January.

Jan. 19. This Day the following Declaration, in Purſuance of three Reports from the late Committee at the *Guildhall* and *Grocers-Hall*, appeared in Print, according to an Order of the 12th of this Month. P

A DECLARATION *of the Houſe of* COMMONS, *touching a late Breach of their Privileges, for the Vindication thereof, and of divers Members of the ſaid Houſe.*

The Commons publiſh a Declaration touching the Breach of their Privileges in the Proceedings againſt the five accuſed Members of their Houſe.

'WHereas the Chambers, Studies, and Trunks of Mr. *Holles*, Sir *Arthur Haſelrigge*, Mr. *Pymme*, Mr. *Hampden*, Mr. *Strode*, Members of the Houſe of Commons, upon *Monday* the 3d of this Inſtant *January*, by Colour of his Majeſty's Warrant, have been ſeal'd up by Sir *William Killegrew* and Sir *William Fleming*, and others; which is not only againſt the Privileges of Parliament, but the common Liberty of every Subject; which ſaid Members, afterward the ſame Day, were, under the like Colour, by Serjeant *Francis*, one of his Majeſty's Serjeants at Arms, contrary to all former Precedents, demanded of the Speaker, ſitting in the Houſe of Commons, to be delivered unto him, that he might arreſt them of High Treaſon: And whereas afterwards, the next Day, his Majeſty, in his Royal Perſon, came to the ſaid Houſe, attended with a great Multitude of Men, armed in warlike Manner with Halberts, Swords, and Piſtols; who came up to the very Door of the Houſe, and placed themſelves there, and in other Places and Paſſages near to the ſaid Houſe, to the great Terror and Diſ-

P There being ſome Variations between the Copy of this Declaration, as given in *Ruſhworth*'s and *Huſbands*'s *Collections*, and that in the *printed Journals* of the *Commons*, we have followed the latter as the beſt Authority.

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'Diſturbance of the Members, then ſitting, and, 'according to their Duty, in a peaceable and orderly Manner, treating of the great Affairs of *England* and *Ireland:* And his Majeſty, having placed 'himſelf in the Speaker's Chair, demanded of them 'the Perſons of the ſaid Members to be delivered 'unto him; which is a high Breach of the Rights 'and Privileges of Parliament, and inconſiſtent 'with the Liberties and Freedom thereof: And 'whereas afterwards his Majeſty did iſſue forth ſeveral Warrants to divers Officers, under his own 'Hand, for the Apprehenſion of the Perſons of the 'ſaid Members; which, by Law, he cannot do, 'there not being, all this Time, any legal Charge 'or Accuſation, or due Proceſs of Law, iſſued 'againſt them, nor any Pretence of Charge made 'known to that Houſe: All which are againſt the 'Fundamental Liberties of the Subject and the 'Rights of Parliament. Whereupon we are neceſſitated, according to our Duty, to declare, and 'we do hereby declare, That if any Perſon ſhall arreſt Mr. *Holles*, Sir *Arthur Haſelrigge*, Mr. *Pymme*, 'Mr. *Hampden*, and Mr. *Strode*, or any of them, 'or any other Member of Parliament, by Pretence 'or Colour of any Warrant iſſuing out from the 'King only, he is guilty of the Breach of the Liberties of the Subject, and of the Privilege of Parliament, and a public Enemy to the Commonwealth; and that the Arreſting of the ſaid Members, or any of them, or of any other Member 'of Parliament, by any Warrant whatſoever, without a legal Proceeding againſt them, and without 'Conſent of that Houſe whereof ſuch Perſon is 'a Member, is againſt the Liberty of the Subject, 'and a Breach of Privilege of Parliament; and the 'Perſon, which ſhall arreſt any of theſe Perſons, 'or any other Member of the Parliament, is declared a public Enemy of the Commonwealth: 'Notwithſtanding all which, we think fit further 'to declare, That we are ſo far from any Endeavour to protect any of our Members, that ſhall

'be,

'be, in due Manner, profecuted, according to the Laws of the Kingdom, and the Rights and Privileges of Parliament, for Treaſon, or any other Miſdemeanor, that none ſhall be more ready and willing than we ourſelves, to bring them to a ſpeedy and due Trial; being ſenſible that it equally imports us, as well to ſee Juſtice done againſt them that are criminous, as to defend the juſt Rights and Liberties of the Subjects and Parliament of *England*.

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'And whereas, upon ſeveral Examinations, taken the ſeventh Day of this inſtant *January*, before the Committee appointed by the Houſe of Commons to ſit in *London*, it did fully appear, that many Soldiers, Papiſts, and others, to the Number of about Five Hundred, came with his Majeſty, on *Tueſday* the fourth Inſtant, to the ſaid Houſe of Commons, armed with Swords, Piſtols, and other Weapons; and divers of them preſſed to the Door of the ſaid Houſe, thruſt away the Door-keepers, and placed themſelves between the ſaid Door and the ordinary Attendants of his Majeſty, holding up their Swords; and ſome holding up their Piſtols ready cock'd near the ſaid Door; and ſaying, *I am a good Markſman*; *I can hit right*, *I warrant you*; and they not ſuffering the ſaid Door, according to the Cuſtom of Parliament, to be ſhut; but ſaid, *They would have the Door open*; *and*, *if any Oppoſition were againſt them*, *they made no Queſtion*, *but they ſhould make their Party good*; *and that they would maintain their Party*: And when ſeveral Members of the Houſe of Commons were coming into the Houſe, their Attendants deſiring that Room might be made for them, ſome of the Soldiers anſwered, *A Pox of God confound them*; and others ſaid, *A Pox take the Houſe of Commons*; *let them come*, *and be hang'd*; *what a do is here with the Houſe of Commons*: And ſome of the ſaid Soldiers did likewiſe violently aſſault, and by Force diſarm, ſome of the Attendants and Servants of the Members of the Houſe of Commons, waiting in the

'Rooms

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'Rooms next the ſaid Houſe; and, upon the King's 'Return out of the ſaid Houſe, many of them, by 'wicked Oaths, and otherwiſe, expreſſed much 'Diſcontent, that ſome Members of the ſaid Houſe, 'for whom they came, were not there: And others 'of them ſaid, *When comes the Word?* And no 'Word being given, at his Majeſty's coming out, 'they cried, *A Lane, A Lane:* Afterwards, ſome of 'them, being demanded, *What they thought the ſaid 'Company intended to have done*, anſwered, *That, 'queſtionleſs, in the Poſture they were ſet, if the 'Word had been given, they ſhould have fallen upon 'the Houſe of Commons, and have cut all their Throats:* 'Upon all which, we are of Opinion, that it is 'ſufficiently proved, that the Coming of the ſaid 'Soldiers, Papiſts, and others, with his Majeſty, 'to the Houſe of Commons on *Tueſday*, being 'the fourth Day of this inſtant *January*, in the 'Manner aforeſaid, was to take away ſome of the 'Members of the ſaid Houſe; and, if they ſhould 'have found Oppoſition, or Denial, then to have 'fallen upon the ſaid Houſe in a hoſtile Manner: 'And we do hereby declare, That the ſame was a 'traiterous Deſign againſt the King and Parliament. 'And whereas Mr. *Denzil Holles*, Sir *Arthur 'Haſelrigge*, Mr. *John Pymme*, Mr. *John Hampden*, 'and Mr. *William Strode*, Members of the ſaid 'Houſe of Commons, upon Report of the Co-'ming of the ſaid Soldiers, Papiſts, and others, in 'the warlike and hoſtile Manner aforeſaid, did, 'with the Approbation of the Houſe, abſent them-'ſelves from the Service of the Houſe, for avoid-'ing the great and many Inconveniences which 'otherwiſe apparently might have happened: Since 'which Time a printed Paper, in the Form of a 'Proclamation, bearing Date the ſixth Day of this 'Inſtant *January*, hath iſſued out, for the appre-'hending and impriſoning of them; therein ſug-'geſting that, through the Conſcience of their own 'Guilt, they were abſent, and fled; not willing 'to ſubmit themſelves to Juſtice: We do further 'declare, That the ſaid printed Paper is falſe, ſcan-

'dalous,

'dalous, and illegal; and that, notwithſtanding the An. 17. Car. I. 1641. January.
'ſaid printed Paper, or any Warrant iſſued out,
'or any other Matter yet appearing againſt them,
'or any of them, they may and ought to attend the
'Service of the ſaid Houſe of Commons, and the
'ſeveral Committees now on Foot.

'And we do further declare, That the publiſh-
'ing of ſeveral Articles, purporting a Form of a
'Charge of High Treaſon againſt the Lord *Kimbol-*
'*ton*, one of the Members of the Lords Houſe, Mr.
'*Holles*, Sir *Arthur Haſelrigge*, Mr. *Pymme*, Mr.
'*Hampden*, and Mr. *Strode*, Members of the Houſe
'of Commons, by Sir *William Killegrew*, Sir *William*
'*Fleming*, and others, in the Inns of Court, and
'elſewhere, in the King's Name, was a high Breach
'of the Privileges of Parliament; a great Scandal
'to his Majeſty, and his Government; a ſeditious
'Act, manifeſtly tending to the Subverſion of the
'Peace of the Kingdom; and an Injury and Diſ-
'honour to the ſaid Members, there being no legal
'Charge or Accuſation againſt them: And

'That the Privileges of Parliament, and the Li-
'berties of the Subject, ſo violated and broken, can-
'not be fully and ſufficiently vindicated, unleſs his
'Majeſty will be graciouſly pleaſed to diſcover the
'Names of thoſe Perſons, who adviſed his Majeſty
'to iſſue out Warrants for the Sealing of the Cham-
'bers and Studies of the ſaid Members; to ſend a
'Serjeant at Arms to the Houſe of Commons to
'demand the ſaid Members; to iſſue out ſeveral
'Warrants, under his Majeſty's own Hand, to
'apprehend the ſaid Members; his Majeſty's Co-
'ming thither in his own Royal Perſon; the Pub-
'liſhing of the ſaid Articles, and printed Paper, in
'the Form of a Proclamation, againſt the ſaid
'Members, in ſuch Manner as is before declared:
'To the end that ſuch Perſons may receive condign
'Puniſhment.

'And this Houſe doth further declare, That all
'ſuch Perſons as have given any Counſel, or en-
'deavoured to ſet or maintain Diviſion or Diſlike,
'between the King and Parliament; or have liſted

'their

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'their Names, or otherwiſe entered into any Com-
'bination or Agreement, to be aiding or aſſiſting
'to any ſuch Counſel or Endeavour, or have per-
'ſuaded any other ſo to do; or that ſhall do any
'the Things above-mentioned; and ſhall not
'forthwith diſcover the ſame to either Houſe of
'Parliament; or to the Speaker of either of the
'ſaid Houſes reſpectively, and diſclaim it; are de-
'clared public Enemies of the State and Peace of
'this Kingdom, and ſhall be enquired of, and pro-
'ceeded againſt accordingly[t].

January 20. A Petition from the Gentlemen and others of the County of *Eſſex*, was this Day preſented to the Lords; but as it is of the ſame Nature with the preceding one from *Buckinghamſhire*, we ſhall omit it, in order to come to Matters of more Moment; eſpecially ſince theſe, and others from different Counties, are preſerved in *Ruſhworth*'s *Collections*.

The Lord-Keeper ſignified to the Lords, that he had juſt then received a Paper from the King, directed to both Houſes of Parliament; which was ordered to be read, and was *in hæc Verba:*

The King's Meſſage, deſiring the Parliament to proceed to ſettle all Grievances in a ſummary Way.

HIS Majeſty perceiving the manifold Diſtractions which are now in this Kingdom, which cannot but bring great Inconvenience and Miſchief to the whole Government; in which, as his Majeſty is moſt chiefly intereſted, ſo he holds himſelf, by many Reaſons, moſt obliged to do what in him lies for the preventing thereof: And tho' he might juſtly expect, as moſt proper for the Duty of Subjects, that Propoſitions, for the Remedies of theſe Evils, ought rather to come to him than from him; yet his fatherly Care of all his People being ſuch, that he will rather lay by any particular Reſpect of his own Dignity, than that any Time ſhould be loſt for preventing of theſe threatning Evils, which cannot admit of the Delay of the ordi-

nary

[t] This laſt Paragraph was added by Vote of the Houſe, on the 27th of this Month.

nary Proceedings in Parliament, he doth think fit to make this enſuing Propoſition to both Houſes of Parliament, That they will, with all Speed, fall into a ſerious Conſideration of all thoſe Particulars which they ſhall hold neceſſary, as well for the upholding and maintaining of his Majeſty's juſt and Regal Authority, and for the ſettling of his Revenue, as for the preſent and future Eſtabliſhment of their Privileges; the free and quiet enjoying of their Eſtates and Fortunes; the Liberties of their Perſons; the Security of the true Religion now profeſſed in the Church of England, *and the ſettling of Ceremonies in ſuch a Manner as may take away all juſt Offence; which, when they ſhall have digeſted and compoſed into one intire Body, that ſo his Majeſty and themſelves may be able to make the more clear Judgment of them, it ſhall then appear by what his Majeſty ſhall do, how far he hath been from intending or deſigning any of thoſe Things which the too great Fears and Jealouſies of ſome Perſons ſeem to apprehend; and how ready he will be to exceed the greateſt Example of the moſt indulgent Princes in their Acts of Grace and Favour to their People: So that if all the preſent Diſtractions, which ſo apparently threaten the Ruin of this Kingdom, do not, by the Bleſſing of Almighty God, end in an happy and bleſſed Accommodation, his Majeſty will be ready to call Heaven and Earth, God and Man, to witneſs that it hath not failed on his Part.*

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After reading of this Paper a Meſſage was immediately ſent by the Lords to the Commons, to acquaint them that their Lordſhips had received a gracious Meſſage from his Majeſty, which fills their Hearts full of Joy and Comfort; which being directed to both Houſes, they deſire it may be delivered to them, at a preſent Conference, in the *Painted-Chamber*.

For which the Lords return Thanks;

The Conference being ended, the Lords thought proper to draw up an Anſwer of Thanks to the King's gracious Meſſage; which was read and agreed to in theſe Words:

6 Whereas

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'Whereas the Houſes of Parliament have receiv-
'ved from your Majeſty a Meſſage, expreſſing
'much Grace and Favour to all your Majeſty's
'Subjects, they have thought fit to return your
'Majeſty moſt humble Thanks for the ſame; and
'to let your Majeſty know, that they will take it
'into ſuch ſpeedy and ſerious Conſideration, as a
'Propoſition of that great Importance doth require.'

And deſire the Commons Concurrence.

The Lords ordered this to be ſent down to the Houſe of Commons to deſire them to join in it; but no preſent Anſwer was return'd: Inſtead thereof

A Conference was deſired by the Commons, concerning the Town of *Hull*; which being agreed to by the Lords, it was reported back to the Houſe, by the Lord-Keeper, to this Effect:

Report of a Conference about the Magazine, &c. at *Hull*.

'That the Houſe of Commons did put their Lordſhips in mind of their late Order, concerning the placing of Sir *John Hotham* Governor of *Hull*; who had Power given him to draw into that Town ſome of the Train'd Bands of that County, for ſecuring the Town and the King's Magazine there, the ſaid Sir *John Hotham* being Governor, by the King's Grant under the Great Seal; yet the ſaid Order was diſobeyed, and the Companies not ſuffer'd to come into the Town; which appear'd by a Letter from Mr. *Hotham*, Deputy to Sir *John*, importing, That the Earl of *Newcaſtle* was there, with a Letter under the King's Hand and Seal Manual, to have the Town and Magazine delivered into his Hands, as Governor; and to draw in ſuch of the Train'd Bands as he ſhould think fit; particularly the Regiment of Sir *John Metham*. That the Order of Parliament had been preſſed to the Mayor and Aldermen of the Town, who anſwer'd, They were willing to obey the King and Parliament; but, for the preſent, they had wrote to both, and untill they had an Anſwer, they were not willing the Men, who were preſented at the Gate, ſhould be admitted. That the Men who were moſt averſe, were Mr. Alderman *Atkinſon* the preſent Mayor, Mr. *Henry Barnard*, and one Mr. *Cartwright*; who, if ſent

for

for and punished, and a peremptory Order made for Obedience to the Commands of the Parliament, the Business would be effected. An. 17. Car I. 1641. January.

'The House of Commons further said, That they held this to be an Injury to both Houses, and to the Earl of *Essex*, who is Lord-Lieutenant of *Yorkshire*, under the Great Seal of *England*, and recommended to the King, by both Houses, for his Nobleness and approved Confidence, to that Place: They therefore desired, That the Earl of *Newcastle*, as a Peer of this House, might be sent for, to shew by what Warrant he came to be Governor of *Hull*, and to raise the Power of the County.'

The Lords, after some Consideration of this Matter, directed the Lord-Keeper to write to the Earl of *Newcastle* to come and attend the House immediately. They ordered, also, That the Mayor, and the other aforenamed Persons, should be sent for, and bring up their Charter along with them.

A Message from the Commons, concerning a Report of their intending to accuse the Queen of High Treason.

A Message came up by Sir *Philip Stapylton*, importing, 'That the House of Commons had heard there was a Report carried to the Queen, as if that House had an Intention to accuse her Majesty of High Treason, and that some Articles were brought to the Queen for that Purpose; and, as they understood, the Earl of *Newport* was told as much by the Queen herself: That the House of Commons conceived this to be a great Abuse upon them, never having any such Thing in their Thoughts; they desired their Lordships to join with them in sending some from both Houses to the Queen, humbly to desire her Majesty, that she would be pleased to discover the Party that gave her this Information, and deliver'd those Articles to her.' The Lords agreed to this, and order'd the Earl of *Newport* and the Lord *Seymour* to wait upon her Majesty accordingly.

The Commons propose an Addition to the Lords Address of Thanks.

The Commons refused to join with the Lords in their Answer to the King's last Message without an Addition, the Substance of which was, 'That

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'That he would be pleased to put the *Tower* of *London*, with all the other Forts, and Militia of the whole Kingdom, into such Hands as the Parliament could confide in.' The Commons, also, drew up a Petition, and sent it to the Lords; which was in these Words:

To the KING's Most Excellent Majesty,

The HUMBLE PETITION of the LORDS and COMMONS, now assembled in Parliament,

Sheweth,

They petition the King to hasten the Trials of Lord *Kimbolton*, &c.

THAT whereas, of late, there have been sundry and great Breaches of the Privileges of Parliament; and your Majesty, in a Message to both Houses, was pleased graciously to express, that you would be willing to clear and assert them, by any reasonable Way your Parliament should advise you to; we shall, in convenient Time, present the Particulars to you, together with our Advice and Desires, for the asserting our Privileges; and whereas your Majesty, by another Message to both Houses, hath expressed an Apprehension of some treasonable Matter to have been committed by the Lord Kimbolton, *Mr.* Holles, *and the rest; and declared, That you will, hereafter, proceed against them in an unquestionable Way: We your Lords and Commons do humbly beseech your Majesty, that you would be pleased to give Directions, that your Parliament may be informed, in a few Days, what Proof there is against them; that, accordingly, there may be a Parliamentary and a legal Proceeding against them; and they receive, in Justice, what shall be their Due, either for their Acquittance or Condemnation.*

This we humbly conceive we are bound to crave, both in regard of ourselves, and of them; being unfit that we should have any of our Members liable to so great a Charge; and thereby hindered from doing the Service they respectively owe to their several Houses; and that they, if innocent, should longer lie under so great a Weight; or, if guilty, avoid their deserved Punishment.

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The Lords agreed to this Petition, and ordered some of their Body to join a Committee of the Commons to present it to the King the next Day; but demurr'd to the additional Article in the Address of Thanks. An. 17. Car. I. 1641. January.

Then the Lords adjourn'd to the 24th, and appointed a Committee of their House to sit, in the mean Time, at *Grocers-Hall*, with the Committee of the Commons, on *Irish* Affairs: Serjeant-Major *Skippon* and the Train'd Bands to guard them. The Commons also adjourned to the same Day.

Jan. 24. This Day the Commons sent up to the Lords, to desire that they would defer the Trial of the twelve Bishops to some more convenient Time; and that, in the mean while, they would appoint a Committee to take Examinations from Witnesses towards that Affair, such as the Commons should produce. The Lords agreed to this; but ordered that the said Trial should be brought on peremptorily, on the first Day of *February* next. And desire the Lords to defer that of the impeached Bishops.

The King's Answer to the last Petition of the Parliament, was reported to the Lords by the Earl of *Newport*, to this Purport:

'That he doth well approve of the Desire of both Houses, for the speedy Proceeding against the Persons mentioned in the Petition; wherein his Majesty finding great Inconveniences, by the first Mistake, hath caused some Delay, that he might be informed in what Order to put the same. But, before that be agreed upon, his Majesty thinks it unusual to discover what Proof there is against them; and therefore thinks it necessary, lest a new Mistake should breed more Delay, which his Majesty, to his Power, will avoid, that it be resolved, Whether he be bound, in respect of Privilege, to proceed against them by Impeachment in Parliament, or whether he be at Liberty to prefer an Indictment at the Common Law, in the usual Way, or have his Choice of either: Whereupon The King's Answer as to Lord *Kimbolton*, &c.

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'his Majesty will give such speedy Directions for 'the Prosecution, as will shew his Desire to satisfy 'both Houses, and put a Determination to this 'Business.'

The Lords reject the Commons Addition to their foregoing Address

After much Consultation this Day in the House of Lords, concerning the Affairs of *Ireland* and the *Scots* Brotherly Assistance, both which were still carried on very slowly, the Lords took into Consideration the Addition the Commons had proposed to their Address of Thanks to the King for his last gracious Message to both Houses. And after a long Debate, it was, on the Question, rejected; upon which the following Protest was entered.

Whereupon a Protest is entered.

'Whereas the Desire brought from the House of 'Commons, about the Forts and Militia of the 'Kingdom, concerneth much the Safety of it, the 'King's Service, and the general Peace and Quiet 'of the Land; and, as we conceive, is absolutely 'necessary to the settling the present Distempers, 'and tendeth to the Furtherance of Trade, now 'much obstructed and decayed, as hath been repre-'sented by several Petitions from the City of *Lon-'don* and sundry other Counties: We protest against 'the Vote of rejecting of that Desire of the Com-'mons, and do testify our Dissent, to discharge our-'selves from all the Mischief and ill Consequences 'that may thereupon follow [a].

The

[a] The Addition, at Length, was in these Words: 'And to the 'further Intent that they may be enabled, with Security, to dis-'charge their Duties herein, They humbly beseech your Sacred 'Majesty to raise up unto them a sure Ground of Safety and Con-'fidence, by putting the *Tower* and other principal Forts of the 'Kingdom, and the whole Militia thereof, into the Hands of such 'Persons as your Parliament may confide in, and as shall be re-'commended to your Majesty, by both Houses of Parliament: That 'all Fears and Jealousies being laid aside, they may, with all Chear-'fulness, proceed to such Resolutions, as, they hope, will lay a sure 'Foundation of Honour, Greatness, and Glory to your Majesty and 'your Royal Posterity, and of Happiness and Prosperity to your 'Subjects, throughout all your Dominions.'

There being, in all, thirty-two protesting Lords, and thirteen Bishops that were then Prisoners, there must have been a very full House to have carried this Question in the Negative.

The NAMES of the PEERS who subscribed the foregoing PROTEST. An. 17. Car. I. 1641. January.

Earl of ESSEX.	*Lord* PAGET.
Earl of WARWICK.	*Lord* KIMBOLTON.
Earl of PEMBROKE.	*Lord* BROOKE.
Earl of HOLLAND.	*Lord* ROBERTS.
Earl of STAMFORD.	*Lord* NORTH.
Earl of BEDFORD.	*Lord* WHARTON.
Earl of LEICESTER.	*Lord* ST. JOHN.
Earl of CLARE.	*Lord* SPENCER.
Earl of LINCOLN.	*Lord* FIELDING.
Earl of SALISBURY.	*Lord* WILLOUGHBY.
Earl of BOLINGBROKE.	*Lord* BRUCE.
E. of PETERBOROUGH.	*Lord* DACRES.
Earl of THANET.	*Ld.* HOWARD *de* Escrick.
Earl of NOTTINGHAM.	*Lord* GREY *de* Werk.
Viscount SAY *and* SELE.	*Lord* CHANDOIS.
Viscount CONWAY.	*Lord* HUNSDON.

Jan. 25. Petitions came now very thick from several Counties of *England* to the Parliament, for a Reformation both in Church and State; and this Day the Commons desired a Conference with the Lords about them. On which Occasion Mr. *Pymme*, who was appointed to manage the same, spoke as follows:

My Lords,

'I Am commanded by the Knights, Citizens, and Burgesses, assembled for the Commons in Parliament, to present to your Lordships divers Petitions, which they have received from several Parts, concerning the State of the Kingdom; whereunto they are chiefly moved by that constant Affection which they have always express'd, of maintaining a firm Union and good Correspondence with your Lordships; wherein they have ever found much Advantage and Contentment, but never held it more important and necessary than at this Time, wherein the Wisdom and Resolution of

Mr. *Pymme*'s Speech at a Conference with the Lords, occasion'd by many Petitions for a Reformation in Church and State.

An. 17. Car. I. 1641. January.

Parliament have as many great Dangers and Difficulties to paſs through as ever heretofore.

'We are united in the public Truſt, which is derived from the Commonwealth, in the common Duty and Obligation whereby God doth bind us to the Diſcharge of that Truſt: And the Commons deſire to impart to your Lordſhips whatſoever Information or Intelligence, whatſoever Encouragement or Aſſiſtance, they have received from thoſe ſeveral Counties which they repreſent; that ſo likewiſe we may be united in the ſame Intentions and Endeavours of improving all to the Service of his Majeſty, and the common Good of the Kingdom.

'The Petitions, which I am directed to communicate to your Lordſhips, are four; from *London*, *Middleſex*, *Eſſex*, and *Hertfordſhire*. We have received many more, but it would take up too much Time, and be too great a Trouble to peruſe all; and in theſe four you may perceive the Effect and Senſe of all: Firſt, I am to deſire your Lordſhips to hear them read; and then I ſhall purſue my Inſtructions in propounding ſome Obſervations out of them.

The HUMBLE PETITION and ANSWER of the Mayor, Aldermen, and the reſt of the Common Council of the City of *London*, to the Honourable Houſe of Commons.

The PETITION

Sheweth,

THat the Committee of this Honourable Houſe, upon Saturday, *the 22d of this inſtant* January, *ſent a Meſſage to the Petitioners for the Loan of* 100,000 l. *or of ſo much thereof as could conveniently be forthwith raiſed, for levying of Forces to ſuppreſs the Rebels in* Ireland; *to which Meſſage ſomething was then anſwered, and a further Anſwer in Writing promiſed.*

In Performance whereof they humbly preſent the Anſwer following, together with the Reaſons thereof, de-

desiring that the same (being the best that, for the present, they are able to give) may be favourably accepted. An. 17. Car. I. 1641. January.

And they shall ever pray, &c.

The ANSWER.

'The Petitioners are duly and deeply sensible of 'the great Miseries of their Brethren in *Ireland*, and 'of the imminent Danger, not only of the total 'Loss of that Kingdom, but of the Ruin of this 'also, if that of *Ireland* should, which God for-'bid, be lost. And as they have hitherto shewed 'themselves ready, even beyond their Abilities, to 'serve the King and Parliament; so shall they ever 'continue, to the utmost of their Power, with all 'Chearfulness and Duty: But, at the present, they 'are compelled to repeat their former Answer, 'That they have no Power to raise any Sums, by 'way of Tax, for any foreign Use; and do fur-'ther answer, That they have no Means to do it, 'otherwise than by the immediate personal Consent 'of every particular Lender, which they cannot 'hope to obtain, in regard of these Obstructions 'following; which the Petitioners humbly present, 'together with this their further Answer, as the 'Reasons thereof:

1*st*, 'That immediately before the Parliament, 'and since, divers great Sums, for the Service of 'the King and Kingdom, have been already lent 'by the Citizens of *London*, besides 50,000 l. for 'the Supply of *Ireland* in particular; a great Part 'whereof some of the Lenders were compelled to 'borrow, and cannot, to this Day, repay.

2*dly*, 'That such Part of those Monies as are al-'ready due to the Citizens from the Parliament, 'and should have been repaid out of the Poll-Mo-'ney and Subsidies, is not yet done, because there 'is not any considerable Sum come in from the 'Country, as was expected, to satisfy the same.

3*dly*, 'That the said 50,000 *l.* lent for *Ireland*, was 'hastened and speedily paid within near about 2000*l.* 'upon this Ground then urg'd by the Parliament, 'that, if it were forthwith lent, it might be of more

'Use

An. 17. Car. I. 1641. January.

'Use to preserve that Kingdom than the Loan of '200,000*l.* could be, if deferred but six Weeks; yet 'no considerable Forces are sent thither to this Day. 'And we find that Men will not be willing to lend 'any thing, till they are assured that a good Strength 'be sent thither, with full Commission, to relieve '*Londonderry*, and other Parts of that Kingdom.

4*thly*, 'The general with-holding of very great 'Sums of Money from the Petitioners, and many 'others; which Monies have been long due, not 'only from Chapmen and other Debtors in *England*, 'but from very many in *Ireland*, who owe many 'hundred thousand Pounds to the Citizens of *London*, doth render divers Persons, of good Estates 'and Credit, hardly able to go on with Trade, or 'to pay their Debts and maintain their Charge.

5*thly*, 'The brotherly Offer of *Scotland* to send '10,000 Men into *Ireland*, not yet so accepted as 'to produce any Relief to that bleeding Kingdom, 'while yet our Brethren are daily massacred there, 'discourageth most Men from lending any Money, 'were they ever so able.

6*thly*, 'The not passing the Bill for pressing of 'Soldiers here, whereby such Forces as are requisite might be timely sent from hence into *Ireland*, 'puts many Men into Fears, that there may be 'some Design rather to lose that Kingdom, and to 'consume this in the losing of *Ireland*, than to preserve either the one or the other; for that it cannot be conceived, that the Rebels being grown 'so powerful, will be suppress'd by Volunteers.

7*thly*, 'The slow issuing of Commissions to those 'who, being in *Ireland*, or going thither, are willing to enter the Field against the Rebels, disables 'them from doing any effectual Execution upon 'the Enemy, unless in their own Defence; and 'so all the Monies that have been, or may be, sent 'thither, are exhausted to maintain our Forces to do 'little or nothing worthy of them, rather than employed to chastise the Rebels, and to reduce them 'to Obedience; by Means whereof the Number 'and Power of the Rebels are greatly increased,

'divers

'divers Caſtles and Towns are by them taken, 'much Proteſtant Blood is daily ſpilt, many thou- 'ſand Families deſtroyed, the malignant Party of 'Papiſts and their Adherents here are encouraged, 'and thoſe Rebels ſo much emboldened, that they 'boaſt they will extirpate the *Britiſh* Nation there, 'and then make *England* the Seat of War. An. 17. Car. I. 1641. January.

8*thly*, 'The not Diſarming of Papiſts here in '*England*, after many Diſcoveries of their Treache- 'ries and bloody Deſigns upon the Parliament and 'Kingdom; the great Decay of Fortifications, 'Block-houſes, and other Sea-Forts; the not ma- 'naging of them, nor furniſhing them with Ord- 'nance and Ammunition; the not placing all of 'them in ſuch Hands in whom the Parliament may 'confide; and the not ſettling this Kingdom in a 'Poſture of Defence, in Times of ſo many Fears 'and Jealouſies of foreign Invaſions and inteſtine 'Conſpiracies; the not removing the preſent Lieu- 'tenant of the *Tower*, and putting ſuch a Perſon 'into that Place as may be well approved by the 'Parliament, notwithſtanding the earneſt Petitions 'exhibited to this Honourable Houſe for that Pur- 'poſe; which hath produced a Forbearance to 'bring Bullion into the *Tower*, in this Time of 'Scarcity of Monies: All which cannot but over- 'throw Trading more and more, and make Mo- 'nies yet more ſcarce in the City and Kingdom.

9*thly*, 'The King's Ships, which ought to be a 'Wall of Defence to this Kingdom, and a Convoy 'to the Merchants, for which Tonnage and Poun- 'dage was granted, are not fitted and employed as 'the preſent Condition of this Kingdom and *Ireland* 'requires; but ſome of them for the conveying 'away of Delinquents, who durſt not abide the 'Teſt of the Parliament, to the great Encourage- 'ment of the reſt of the Malignant Party here; 'who, when their Deſigns and themſelves be de- 'tected, know how to eſcape the Hand of Juſtice, 'through the Abuſe of a Royal Conduct.

10*thly*, 'The not queſtioning thoſe many thou- 'ſands of unknown Perſons who are ſheltered in

'*Co-*

An. 17. Car. I. 1641. January.

'*Covent-Garden*, and thereabouts, who do not 'employ themſelves in any lawful Calling; and, 'it is very probable, lie in Readineſs to adventure 'upon ſome deſperate Attempt, to the endanger- 'ing of the Welfare, Peace, and Safety of the 'King's Majeſty, the Parliament, and City.

11*thly*, 'The Miſunderſtanding between the 'King and the Parliament; the not Vindicating the 'Privileges of Parliament; the not Suppreſſing of 'Protections; the not Puniſhing of Delinquents, and 'the not Executing of all Prieſts and Jeſuits, legally 'condemned; while others, contrary to the Privi- 'lege of Parliament, have been illegally, as the Pe- 'titioners conceive, charged with Treaſon, to the 'deterring of worthy Members from diſcharging 'their Duties, and to the deſtroying of the very 'Being of Parliaments; do exceedingly fill the 'Minds of Men, well-affected to the Public, with 'many Fears and Diſcouragements throughout the 'Kingdom, and ſo diſable them from that chearful 'Aſſiſtance which they would be glad to afford.

12*thly*, 'By Means of the Premiſes there is ſuch 'Decay of Trading, and ſuch Scarcity of Money, 'neither of which can be cured till the former Evils 'be removed, as is likely, in very ſhort Time, 'to caſt innumerable Multitudes of poor Artificers 'into ſuch a Depth of Poverty and Extremity, as 'may enforce them upon ſome dangerous and deſpe- 'rate Attempts, not fit to be expreſſed, much leſs 'to be juſtified; which they leave to the Wiſdom 'of this Houſe ſpeedily to conſider and prevent.

'These are the Evils under which the Petitioners 'do exceedingly labour and languiſh, which they 'humbly conceive to have ſprung from the employ- 'ing of ill-affected Perſons in Places of Truſt and 'Honour in the State, and near to the Sacred Per- 'ſon of his Majeſty; and that theſe Evils are ſtill 'continued by means of the Votes of Biſhops and 'Popiſh Lords in the Houſe of Peers.

'And now that the Petitioners have faithfully re- 'preſented the true Reaſons which do really enforce 'them to return this Anſwer, moſt of which have

'been

'been formerly offered to this Honourable Houſe, An. 17. Car. I.
'in ſundry Petitions; and that they have done all 1641.
'that in them lies, even beyond all Precedent, January.
'to ſerve the King, Parliament, and Kingdom:
'They humbly crave Leave to proteſt, before God
'and the High Court of Parliament, that if any
'further Miſeries befall their dear Brethren in *Ire-*
'*land*, or if any Miſchief ſhall break in upon this
'Kingdom, to the endangering or diſturbing thereof,
'it ought not to be imputed to the Petitioners, but
'only to ſuch as ſhall endeavour to hinder the ef-
'fectual and ſpeedy Cure of the Evils before recited,
'that ſo much diſable and diſcourage the Petitioners
'from doing that, which, by this Honourable
'Houſe, is deſired of them[x].

The HUMBLE PETITION of the Knights, Gentlemen, Miniſters, and other Inhabitants of the County of *Eſſex*, to the Honourable Houſe of Commons,

Sheweth,

TO this Honourable Houſe, that we are truly ſenſible of your great Care and extraordinary Endeavours to ſettle our Religion and Peace; and daily bleſs God Almighty, the King's Majeſty, the Peers, and this Honourable Aſſembly for the ſame. And we do further, in all Humility, repreſent to your Honourable Conſideration, that notwithſtanding your abundant Care and Induſtry, we do ſtill apprehend a great Stop of Reformation in Matters of Religion; and ourſelves, together with you and the whole Kingdom, to be in great Danger from the Papiſts, and other ill-affected Perſons, who are every where very inſolent, and ready to act the Parts of thoſe ſavage Blood-ſuckers in Ireland, *if they be not ſpeedily prevented; by Means whereof our Trading, eſpecially*

[x] In the Copy of Mr. *Pymme*'s Speech, printed by *Charles Greene*, by Order of the Houſe, it is ſaid, 'That the *Middleſex* Petition 'was never printed, and therefore not inſerted.' The ſaid Petition is alſo omitted in *Ruſhworth*, but no Reaſon aſſign'd for it: Nor is it entered in the *Commons Journals*.

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especially of Clothing and Farming, grow a-pace to so great a Damp, as many Thousands are like to come to sudden Want: Nor can we expect any Redress thereof, unless the Bishops and Popish Lords be removed out of the House of Peers.

Therefore we humbly pray that you would earnestly mediate with his Majesty and the House of Peers, that our Brethren in Ireland *may be speedily relieved; the Papists throughout this Kingdom may be disarmed; the Kingdom be put into such a warlike Posture, for Defence, as may be for its Safety; and that the Bishops and Popish Lords, who, as we conceive, have hindered the Success of your godly Endeavours, may be excluded the House of Peers; not doubting but that then our Petitions, formerly presented to this House, will receive the more full and speedy Answer. And your Petitioners resolving (in all just and honourable Ways, according to our late Protestation) to assist you in your Rights and Privileges, with our Estates and Lives, against the Enemies of God, the King and State, humbly pray,* &c.

The HUMBLE PETITION of the Knights, Gentlemen, Freeholders, and others, Inhabitants of the County of *Hertford*, to the Honourable the House of Commons,

Sheweth,

THat this Church and Kingdom being, (by the Prelates, the Multitudes of corrupt and scandalous Ministers their Creatures, and the Popish Party, concurring with them on the one Hand; and by wicked Counsellors, evil Ministers of State, and great Swarms of Projectors, and others ill affected to the Peace of this Realm, on the other Hand) brought to a sad and almost desperate Condition, and thereby the Splendour of his Majesty's Crown and Dignity dangerously weaken'd and eclipsed; it pleased his Majesty, having respect to the Petitions of Nobles and People in that Behalf, to call this present Parliament, the only

only able Means, under God, to reform the many Pref- An. 17. Car. I.
fures and Grievances of the Church and Kingdom, 1641.
and to remove the Cauſes thereof. January.

In which Parliament, to the Honour of his Majeſty, and Comfort of his good Subjects, exemplary Juſtice hath been executed, Arbitrary Courts, Ship-Money, Monopolies, and other illegal Impoſitions removed, the Shedding of much Blood prevented by the late Union between the two Kingdoms of England *and* Scotland; *and further Hopes given us of perfecting what remains by the happy Continuance and much-deſired Progreſs of this Parliament.*

And although that malignant Party of Prelates and Papiſts, and their Adherents (whoſe preſent Standing, and the happy Succeſs of this Parliament, as the Petitioners humbly conceive, are inconſiſtent) have, by their manifold wicked Practices and Deſigns, endeavoured to hinder all thorough Reformation in Church and Commonwealth; to ſtifle, in the Birth and Progreſs, all thoſe good Bills and other Preparations made by this Honourable Aſſembly for that Purpoſe, and eſpecially, for the Relief of the Kingdom of Ireland; *(the Ruin whereof will endanger this Kingdom alſo) to ſtop the Influence of his Majeſty's Royal Favour in giving Life thereto; to divide between his Majeſty and this Honourable Aſſembly; and to render you not only contemptible, but alſo burthenſome to the People; yet the Petitioners, and, as they verily believe, all well-affected to his Majeſty and the Peace and Proſperity of this Kingdom, have, and ſtill ſhall continue an high and honourable Eſteem of this worthy Aſſembly, and of your great and unwearied Endeavours; and do with the utmoſt Expreſſions of their Thankfulneſs, acknowledge the ſame, and the Progreſs and Perfecting thereof, to be of great Conſequence and deep Neceſſity to the Peace and Welfare of this Church and Kingdom; and ſuch as without which not only a Reflux of the former Calamities, but even utter Ruin and Deſolation, like that, being too long continued, in ſad and much-lamented* Ireland, *will apparently enſue.*

From

An. 17. Car. I. 1641. January.

From the Senſe whereof, and of the great and unheard-of Breaches lately made upon the Privileges of Parliament, even to the Endangering of the Being thereof, wherein your Petitioners and their Poſterity are much concerned: The Petitioners take upon them the humble Boldneſs to declare their Readineſs and great Engagements, according to their Proteſtation, to ſtand to, and defend, to the utmoſt Peril of their Lives and Eſtates, the King's Majeſty and High Court of Parliament, with all the Power and Privileges of the ſame, and all your honourable Proceedings for the common Good, againſt all Popiſh and other malignant Oppoſers, who endeavour, either by evil Counſel, ſecret Plots, or open Force, to hurt or prejudice the ſame, or to make Diviſions between his Majeſty and the Parliament.

And the ſaid Petitioners humbly pray, that the Papiſts may be fully diſarmed; the Laws againſt them executed; the Kingdom, and eſpecially this County, according to their late Petition in that Behalf, put into a Poſture of War for their better Defence; the Forts and Strength of this Kingdom put into ſafe Hands, which the Parliament may confide and truſt in; the Privileges of Parliament repaired and thoroughly vindicated; and that this Honourable Aſſembly (as hath been lately deſired of you by the Citizens of London) *will be a Means unto his Majeſty and the Houſe of Peers, that Life may be ſpeedily given to your good Endeavours by their Concurrence with you in taking away of the Votes of Popiſh Lords and Biſhops out of the Houſe of Peers; the ſpeedy and ſtrong Relief of* Ireland; *the further Puniſhment of Delinquents; the Removal of the Preſſures and Grievances in Church and Commonwealth, and reforming of what is therein amiſs.*

For all which your Petitioners ſhall daily pray, *&c.*

Theſe

These Petitions being read by four several Members of the House[1], *Mr.* Pymme *reassumed his Discourse.* An. 17. Car. I. 1641. January.

'My Lords, in these four Petitions you may hear the Voice, or rather the Cry, of all *England*; and you cannot wonder if the Urgency, the Extremity, of the Condition wherein we are, do produce some Earnestness and Vehemency of Expression more than ordinary; the Agony, Terror, and Perplexity in which the Kingdom labours, is universal, all Parts are affected with it; and therefore in these you may observe the Groans and miserable Complaints of all.

'Divers Reasons may be given why those Diseases which are epidemical are more dangerous than others: 1*st*, The Cause of such Diseases is universal and supernal, not from an evil Constitution, or evil Diet, or any other Accident; and such Causes work with more Vigour and Efficacy than those which are particular and inferior. 2*dly*, In such Diseases there is a communicative Quality, whereby the Malignity of them is multiplied and enforced. 3*dly*, They have a converting transforming Power, that turns other Diseases and evil Affections of Men's Bodies into their own Nature.

1*st*, 'The common and epidemical Disease, wherein this Commonwealth now lies gasping, hath a superior and universal Cause from the evil Counsels and Designs of those, who, under his Majesty, bear the greatest Sway in Government. 2*dly*, It hath a contagious and infectious Quality, whereby it is diffused and dispersed thro' all Parts of the Kingdom. 3*dly*, It is apt to take in the Discontents, evil Affections, and Designs of particular Persons, to increase and fortify itself.

'I shall take Occasion, from several Branches of those Petitions which your Lordships have heard, to observe,

1*st*, 'The Variety of Dangers to which this Kingdom is now subject.

2*dly*,

[1] Mr. *Browne*, Mr. *George*, Mr. *Carew*, and Mr. *Lisle*, were appointed by the *House* for that Purpose. *Com. Journ.*

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2*dly*, 'The manifold Diſtempers which are the Cauſe of thoſe Dangers.

3*dly*, 'The Multiplicity of thoſe evil Influences which are the Cauſes of thoſe Diſtempers.

'The *firſt* Danger is from Enemies abroad; this may ſeem a cauſeleſs and impertinent Obſervation at this Time, ſeeing we are in Peace with all Nations about us: But, my Lords, you may be pleaſed to conſider that the Safety of the Kingdom ought not to depend upon the Will and Diſpoſition of our Neighbours, but upon our own Strength and Proviſion; betwixt States there are often ſudden Changes from Peace to War, according to Occaſion and Advantage. All the States of *Chriſtendom* are now armed, and we have no Reaſon to believe but that thoſe of greateſt Power have an evil Eye upon us, in reſpect of our Religion: And if their private Differences ſhould be compoſed, how dangerouſly, how ſpeedily, might thoſe great Armies, and other Preparations now ready, be applied to ſome Enterprize and Attempt againſt us? And if there were no other Cauſe, this were ſufficient to make us ſtand upon our Guard: But there are divers more eſpecial Symptoms of Dangers of this Kind.

'We may perceive, by ſeveral Advertiſements from abroad, that they did foreſee our Dangers many Months before they broke out; they could foretell the Time and Manner of them, which is a clear Evidence they held Intelligence with thoſe which were the Contrivers and Workers of the preſent Troubles.

'We have many dangerous Traitors and Fugitives now in other Parts, who can diſcover the Weakneſs and Diſtemper of the Kingdom; who hold Intelligence with the ill-affected Party here, and, by all cunning and ſubtle Practices, endeavour to incite and provoke other Princes againſt us.

'Some of the Miniſters of our Neighbour Princes may be juſtly ſuſpected to have had a more immediate Hand and Operation in the Inſurrection and Re-

Rebellion in *Ireland*; many of the Commanders, and moſt of the Soldiers, levied for the Service of *Spain*, are now joined with the Rebels there; and thoſe *Iriſh* Friars, which were employed by the *Spaniſh* Ambaſſador for the making of thoſe Levies, are known to have been the chief Incendiaries of this Rebellion, and are ſtill very active in the Proſecution and Encouragement of it. An. 17. Car. I. 1641. January.

'The Rebels have a ready and ſpeedy Supply from ſome of our Neighbours. Two Convoys of Munition and Arms we are certainly informed of, one from *Dunkirk*, the other from *Nantes* in *Brittany*; and certainly thoſe that are ſo forward to enable others to hurt us, will not forbear to hurt us themſelves, as ſoon as they ſhall have Means and Opportunity to do it.

'Another Danger is from the Papiſts and ill-affected Party at home. The Papiſts here are acted by the ſame Principles with thoſe in *Ireland*; many of the moſt active of them have lately been there, which argues an Intercourſe and Communication of Councils. They have ſtill Store of Arms and Munition at their diſpoſing, notwithſtanding all our Endeavours to diſarm them; they have a free Reſort to the City and to the Court; they want no Opportunities to conſult together; they have the ſame or greater Encouragements from above, and from about them, than ever, in reſpect of the Example and Succeſs of the Rebels in *Ireland*, and the great Confuſions and Diviſions which, by their cunning and ſubtle Practices, are raiſed and fomented amongſt ourſelves at home.

'A third Danger is of Tumults and Inſurrections of the meaner Sort of People, by reaſon of their ill Vent of Cloth and other Manufactures, whereby great Multitudes are ſet on Work; who live for the moſt Part on their daily Gettings, and will, in a very ſhort Time, be brought to great Extremity, if not employed: Nothing is more ſharp and preſſing than Neceſſity and Want; what they cannot buy they will take; and from them the like Neceſſity will quickly be derived to the Farmers

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and Husbandmen; and so grow higher, and involve all in an Equality of Misery and Distress, if it be not prevented. And, at this Time, such Tumults will be dangerous, because the Kingdom is full of disbanded Soldiers and Officers, which will be ready to head and to animate the Multitude to commit Violence with more Strength and Advantage; and if they once grow into a Body, it will be much more difficult to reduce them into Order again, because Necessity and Want, which are the Causes of this Disturbance, will still increase as the Effects do increase.

'A fourth Danger is from the Rebels in *Ireland*, not only in respect of that Kingdom, but in respect of this: They have seized upon the Body of that Kingdom already; they abound in Men of very able Bodies; they increase in Arms and Munition; they have great Hopes of Supplies from abroad, of Encouragement here, and are sure of good Entertainment from the Popish Party; so that they begin to speak already there of transporting themselves hither, and making this Kingdom the Seat of the War.

'The Distemper which hath produced these Dangers is various and exceeding violent. Whensoever Nature is hindered in her proper Operations and Faculties, Distempers will necessarily follow.

'The Obstructions which have brought us into this Distemper are very many, so that we cannot wonder at the Strength and Malignity of it. Some of the chiefest of these Obstructions I shall endeavour to remember.

1*st*, 'The Obstruction of Reformation in Matters of Religion: No Grievances are sharper than those that press upon the tender Consciences of Men; and there was never Church or State afflicted with more Grievances of this Kind, than we have been. And tho' they are, by the Wisdom of this Parliament, partly eased and diminished, yet many still remain; and as long as the Bishops, and the corrupt Part of the Clergy, continue in their Power, there will be little Hope of Freedom, either from the

the Senſe of thoſe which continue, or the Fear of thoſe which are removed. And of this Obſtruction, my Lords, I muſt clear the Commons; we are in no Part guilty of it: Some good Bills have paſs'd us, and others are in Preparation, which might have been paſs'd before this, if we had not found ſuch ill Succeſs in the other. Whatſoever Miſchief this Obſtruction ſhall produce, we are free from it: We may have our Part of the Miſery, we can have no Part in the Guilt or Diſhonour. An. 17. Car. I. 1641. January.

2*dly*, 'An Obſtruction in Trade: It is Trade that brings Food and Nouriſhment to the Kingdom. It is that which preſerves and increaſes the Stock of the whole, and diſtributes a convenient Portion of Maintenance to every Part of it; therefore ſuch an Obſtruction as this muſt needs be dangerous, the Freedom of Trade being ſo neceſſary, the Benefit ſo important, as that it gives Life, Strength, and Beauty to the whole Body of the Commonwealth. But I muſt proteſt the Houſe of Commons hath given no Cauſe to this Obſtruction: We have eaſed Trade of many Burdens and heavy Taxes, which are taken off; we have freed it from many hard Reſtraints, by Patents and Monopolies; we have been willing to part with our own Privileges, to give it Encouragement; we have ſought to put the Merchants into Security and Confidence in reſpect of the *Tower* of *London*, that ſo they might be invited to bring in their Bullion to the Mint, as heretofore they have done; and we are no way guilty of the Troubles, the Fears, and public Dangers which make Men withdraw their Stocks, and to keep their Money by them, to be ready for ſuch ſudden Exigences, as in theſe great Diſtractions we have too much Cauſe to expect.

3*dly*, 'The Obſtruction in the Relief of *Ireland*: It muſt needs be accounted a great Shame and Diſhonour to this Kingdom, that our Neighbours have ſhewed themſelves more forward to ſupply the Rebels, than we have been to relieve our diſtreſſed Brethren and Fellow-Subjects. But I muſt declare we are altogether innocent of any Neglect herein.

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As soon as the first News of the Rebellion came over we undertook the War, not by way of Supply and Aid, as in former Rebellions the Subjects have used to do; but we undertook the whole Charge of it, and we suffered not twenty-four Hours to pass before we agreed to a great Levy of Money and Men, to be employed against the Rebels, even in a larger Proportion than the Lords Justices and Council there did desire; and, from Time to Time, we have done all for the Furtherance thereof, though in the Midst of many Distractions and Diversions; but the Want of Commissions for levying of Men, for issuing Arms, and divers other Impediments, have been the Causes of that Obstruction; and I wish we had not only found Impediments to ourselves, but also Encouragements to them. Many of the chief Commanders, now at the Head of the Rebels, after we had, with your Lordships Concurrence, stopped the Ports against all *Irish* Papists, have been suffered to pass by his Majesty's immediate Warrant, much to the Discouragement of the Lords Justices and the Council there; and this procured, as we believe, by some evil Instruments too near his Royal Person, without his Majesty's Knowledge and Intention.

4*thly*, 'The Obstruction in Prosecution of Delinquents. Many we have already brought up to your Lordships; divers others we have been discouraged to transmit; such difficult Proceedings have we met withall; such Terrors and Discountenance have been cast upon ourselves and our Witnesses; and those who have shewed themselves their Friends and Patrons, have found it the most ready Way to Preferment; yea, his Majesty's own Hand hath been obtained, and his Majesty's Ships employed, for the transporting of divers of those who have fled from the Justice of Parliament.

5*thly*, 'A general Obstruction and Interruption of the Proceedings of Parliament, by those manifold Designs of Violence which, thro' God's Mercy, we have escaped; by the great and frequent Breaches of Privilege; by the subtle Endeavours to raise

raiſe Parties in our Houſe, and Jealouſies betwixt the two Houſes. An. 17. Car. I. 1641. January.

6*thly*, 'The Obſtruction in providing for the Defence of the Kingdom, that we might be enabled to reſiſt a foreign Enemy, to ſuppreſs all Civil Inſurrections: And what a preſſing Neceſſity there is of this, the exceeding great Decays in the Navy, in the Forts, in the Power of ordering the Militia of the Kingdom, and Means of furniſhing them with Munition, are ſufficient Evidences, known to none better than your Lordſhips, and what Endeavours we have uſed to remove them; but, hitherto, without that Succeſs and Concurrence which we expected: And where the Stop hath been, and upon what good Grounds we may claim our own Innocency and Faithfulneſs in this, we deſire no other Witneſſes but yourſelves.

Laſtly, 'I come to the evil Influences which have cauſed this Diſtemper; and I ſhall content myſelf with mentioning thoſe which are moſt important.

1. 'I ſhall remember the evil Counſels about the King, whereof we have often complained. Diſeaſes of the Brain are moſt dangerous, becauſe from thence Senſe and Motion are derived to the whole Body. The Malignity of evil Counſels will quickly be infuſed into all Parts of the State. None can doubt but we have exceedingly labour'd under moſt dangerous and miſchievous Counſels. This evil Influence hath been the Cauſe of the Preparation of War with *Scotland*; of the procuring a Rebellion in *Ireland*; of corrupting Religion; ſuppreſſing the Liberty of this Kingdom; and of many fearful and horrid Attempts to the ſubverting the very Being of Parliaments, which was the only hopeful Means of oppoſing and preventing all the reſt; and this doth appear to be a moſt predominant Evil of the Time, whereat we need not wonder, when we conſider how Counſellors have been preferred and prepared. And I appeal to your Lordſhips own Conſciences, whether the giving and countenancing of evil Counſel hath not been, almoſt, the only Way to Favour and Advancement.

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2. 'The Diſcouragement of good Counſel. Divers honeſt and approved Counſellors have been put from their Places; others ſo diſcountenanced, as that the Way of Favour hath been ſhut againſt them, and that of Danger and Deſtruction only open to them.

3. 'The great Power that an intereſted and factious Party hath in the Parliament, by the Continuance of the Votes of the Biſhops and Popiſh Lords in your Lordſhips Houſe; and the taking in of others, both out of the Houſe of Commons, and otherwiſe, to increaſe their Strength.

4. 'The fomenting and cheriſhing of a malignant Party throughout the whole Kingdom.

5. 'The manifold Jealouſies betwixt the King, his Parliament, and good Subjects; whereby his Protection and Favour hath, in a great Meaſure, been with-held from them; their Inclination and Reſolution to ſerve and aſſiſt him, hath been very much hindered and interrupted; we have often ſuffered under the Miſinterpretation of good Actions, and falſe Imputation of evil ones which we never intended: So that we may juſtly purge ourſelves from all Guilt of being Authors of this Jealouſy and Miſunderſtanding. We have been and are ſtill ready to ſerve his Majeſty with our Lives and Fortunes, with as much Chearfulneſs and Earneſtneſs of Affection as ever any Subjects were; and we doubt not but our Proceedings will ſo manifeſt this, that we ſhall be as clear in the Apprehenſion of the World, as we are in the Teſtimony of our own Conſciences.

'I am now come to a Concluſion; and I have nothing to propound to your Lordſhips by way of Requeſt or Deſire from the Houſe of Commons. I doubt not but your Judgments will tell you what is to be done: Your Conſciences, your Honours, your Intereſts, will call upon you for the doing of it. The Commons will be glad to have your Concurrence and Help in ſaving of the Kingdom; but if they fail of it, it ſhould not diſcourage them in doing their Duty. And whether the Kingdom be

loſt

loſt or ſaved, (but I hope, thro' God's Bleſſing, it will be ſaved) they ſhall be ſorry that the Story of this preſent Parliament ſhould tell Poſterity, That, in ſo great a Danger and Extremity, the Houſe of Commons ſhould be enforced to ſave the Kingdom alone, and that the Houſe of Peers ſhould have no Part in the Honour of the Preſervation of it; you having ſo great an Intereſt in the good Succeſs of thoſe Endeavours, in reſpect of your great Eſtates and high Degrees of Nobility.' An. 17. Car. I. 1641. January.

The foregoing Speech of Mr. *Pymme*'s was ſo agreeable to the Commons, that the ſame Day they ordered, 'That Mr. Speaker, in the Name of the Houſe, ſhall give Thanks unto Mr. *Pymme* for his ſo well performing the Service he was employ'd in, by the Commands of this Houſe, at this Conference. And it was farther ordered, That Mr. *Pymme* be deſired to put the Speech he made at this Conference into Writing, and to deliver it into the Houſe, to the end that it may be printed.'—This was done accordingly; and from the Edition ſo publiſhed by Order of the Houſe, we have copied it: But the following Paragraph is added at the End of the Speech as printed in *Ruſhworth*, which we give upon his Authority. The Commons return Thanks to Mr. *Pymme* for his Speech; and order it to be printed.

'My Lords, conſider what the preſent Neceſſities and Dangers of the Commonwealth require; what the Commons have Reaſon to expect; to what Endeavours and Counſels the concurrent Deſires of all the People do invite you: So that, applying yourſelves to the Preſervation of the King and Kingdom, I may be bold to aſſure you, in the Name of all the Commons of *England*, that you ſhall be bravely ſeconded.'

Jan. 26. The Lord-Keeper having reported the foregoing Conference, a Motion was made for joining with the Houſe of Commons in petitioning his Majeſty about putting the Forts and Militia of the Kingdom into ſafer Hands, *&c.* upon the new Reaſons offered at the ſaid Conference. This occaſioned

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A Debate arising in the House of Lords, occasion'd by the foregoing Speech, the Duke of *Richmond* proposes to adjourn for six Months;

For which he is ordered to ask Pardon Only.

Protest thereupon.

casioned a long Debate, the House, being in a Committee; and, being resumed, some Lords desired the House might be adjourned, to which the Duke of *Richmond* answered, 'Let us put the Question, Whether we shall adjourn for six Months?' which Words the House taking Exception to, the Duke explained himself, 'That he did not speak these Words positively, but meant that the House might be adjourned as well for six Months, as to a Time not limited [p].' However, this not satisfying, the Duke withdrew; when, after farther Debate, the Question was put, Whether it shall be sufficient Satisfaction to this House, That the Lord Duke of *Richmond* shall come to his Place, and make an humble Submission, as an Acknowledgment that he hath offended the House in speaking these Words inconsiderately and unadvisedly; and that he had no Intention to have the House adjourned for six Months, and that he craves their Lordships Pardon for it? It was resolved in the Affirmative; against which the following Protest was entered:

'That, in respect the Words spoken by the 'Duke of *Richmond* tended much to the Prejudice 'of the King and Kingdom, we do protest against 'this Vote, as not sufficient Punishment for Words 'of that dangerous Consequence.

NORTHUMBERLAND, *Lord-Admiral.*
BEDFORD.
ESSEX.
PEMBROKE.
SUFFOLK.
LINCOLN.
LEICESTER.
WARWICK.
HOLLAND.
BOLINGBROKE.
STAMFORD.
CONWAY.
WHARTON.
PAGET.
HUNSDEN.
CHANDOIS.
ST. JOHN.
SPENCER.
KIMBOLTON.
BROOKE.
GREY *de* Werk.
ROBERTS.
HOWARD *de* Escrick.
WILLOUGHBY *de* Parham.

The

[p] Lord *Clarendon* says, 'The Motion for the Adjournment was made by some of the Protesting Lords, who were not willing the Matter of the Militia should then come into Debate.'

The Motion for joining with the Commons in petitioning the King about the Forts and Militia, was put off for this Day.

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Jan. 27. Amongſt various Tranſactions in the Houſe of Lords, and particularly on *Iriſh* Affairs, the Lord *Newport* reported to that Houſe the Queen's Anſwer to the Meſſage ſent to her, concerning a Report of a Deſign to accuſe her of High Treaſon, to this Effect; 'That there was a general Report of an Accuſation intended againſt her, but ſhe never ſaw any Articles in Writing; and having no certain Author either for the one or the other, ſhe gave little Credit thereto; and much leſs now, being aſſured from the Houſe of Commons, that never any ſuch Thing came into their Thoughts; nor will ſhe believe they would lay an Aſperſion upon her, who hath ever been unapt to miſconſtrue the Actions of any one Perſon, and much more the Privileges of Parliament; and ſhall, at all Times, wiſh a happy Underſtanding between the King and his People.' This was ordered to be communicated to the Houſe of Commons; but in their *Journals* is the following Addition: *Upon better Recollection of myſelf, I do confeſs and acknowledge to have been miſtaken in reporting what was delivered me, in Diſcourſe with ſome Member of the Houſe of Commons; and am moſt heartily ſorry for it; beſeeching, with all Humility, the Pardon of the Honourable Houſe of Commons, for that my great Miſtake.* [q]

The Queen's Anſwer concerning a Report that the Commons intended to accuſe her of High Treaſon.

Jan. 29. This Day the Commons ſent up a Bill for granting a Subſidy of Tonnage and Poundage, and other Sums of Money payable on Merchandizes imported or exported; which was read a firſt Time by the Lords.

A Meſſage came up alſo from the Commons, brought by Sir *Peter Wentworth*, Knight of the *Bath*, deſiring a Conference, by a Committee of both Houſes, at their Lordſhips Convenience, concerning

[q] This laſt Paragraph is omitted in *Huſbands's Collections.*

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cerning the Duke of *Richmond*[1]. The Lords fix'd upon a preſent Meeting; when, being returned from it, the Lord-Keeper reported the Subſtance of it to this Effect:

The Commons, at a Conference, charge the Duke of *Richmond* with being a Malignant, and an evil Counſellor to the King.

'That Mr. *Glynne* ſaid, He was commanded by the Houſe of Commons, to acquaint their Lordſhips with what Information had been given to them about the ſaid Duke.

1*ſt*, 'That he did write unto the Town of *Hithe*, to chuſe one Captain *Wimberley* to ſerve for one of the Barons there in this Parliament, but he was not choſen. A Letter was produced, wrote by one of the Duke's Officers, ſaid to be by his Grace's Direction, to prove this: As, alſo, another to Capt. *Collins*, Deputy-Lieutenant, directed to the Mayor and Jurats of *Hithe*, for the Return of the ſaid Election.

2*dly*, 'Mr. *Peard*, a Member of the Houſe of Commons, informed that Houſe, That whilſt the Affair of Mr. *Percy* and Mr. *Jermyn* were before the Houſe, and before their Offences were declared High Treaſon, one Mr. *Scroop*, the Duke's Steward, came to him; and, in his Maſter's Name, deſired Mr. *Peard* to forbear to preſs the Matter concerning thoſe Gentlemen; affirming, that it would be an acceptable Service, and would do him Good. Which laſt Words Mr. *Peard* conſtrued to mean, that the King and Queen would take Notice of it as an acceptable Service. This he would not ſay poſitively, but he believed it, *&c.*

The *third* Information was, 'That, by a Copy of a Record, then in their Houſe, it did appear that the Duke of *Richmond* did, on the 26th of *January* Inſtant, deſire that the Queſtion might be put for the Adjournment of the Houſe of Lords for ſix Months.'

Upon the whole, the Houſe of Commons paſſed this Vote, That they had ſufficient Cauſe to accuſe the Duke of *Richmond* as one of the malignant Party, and an evil Counſellor to the King, for theſe Reaſons:

1*ſt*,

[1] *James Stuart*, Duke of *Lenox* in *Scotland*, and Knight of the Garter, a near Relation to the King, who had created him Duke of *Richmond*, the 8th of *Auguſt* foregoing.

1*ſt*, 'That he endeavoured to have ſuch Members choſen as he ſhould name; and his Way of Menacing afterwards ſhews an Intention to overthrow the Freedom of Election, and make a Party in Parliament. An. 17. Car. I. 1641. January.

2*dly*, 'That he endeavoured to corrupt the Members of the Houſe of Commons after they were elected, even in Matters of the higheſt Nature; for Support of the Delinquents that were in Queſtion for endeavouring to bring the Army upon the Parliament.

3*dly*, 'The Motion made in the Houſe, if effected, would certainly be the Loſs of *Ireland*, and hazard the Ruin of this Kingdom; there being Diſtractions at home, and imminent Danger in *Ireland*, and no Way to help both but by Parliament; which, if it had been adjourned, in Conſequence that neceſſary and good Act, for the Continuance of this Parliament, would have been ineffectual. Upon all which the Houſe of Commons deſire their Lordſhips forthwith to join with them to petition his Majeſty, That the Duke may not have any Acceſs to the Perſons or Courts of the King or Queen; and that he may be removed from all Offices and Places of public Truſt. And that this may be done with all Speed, in regard of the great Places of Truſt and Confidence he now holds.' [s]

Mr. *Glynne* concluded with telling their Lordſhips, 'That it was the Care of the Houſe of Commons to prevent the Evils that hang over our Heads; and they can do no leſs, in regard to the Duty they owe to the King, who has called them as his Council; to their Country that hath intruſted them; and, laſtly, they do it to ſatisfy their own Con-

[s] The Duke was Lord-Warden of the Cinque-Ports, a Privy-Counſellor, *&c.* This Vote againſt him was not carried without much Debate in the Houſe of Commons, though, on a Diviſion of the Houſe, by a conſiderable Majority; 223 againſt 123. *Journ. Com.*

Lord *Clarendon*, in his Account of this Proceeding, ſays, 'That not Half of the Houſe were preſent; which appears to be a Miſtake, by the Authority above-mentioned.

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Conſciences. They ſay they ſaw the Stone that hit them, but could not diſcover the Arm that threw it. 'They ſay they waſh their Hands of the ill Conſequences of theſe Things, and lay it at their Lordſhips Door.'

This Report being ended, the Duke of *Richmond* ſtood up, and made it his humble Deſire, 'That he might have a Copy of the Heads of this Information againſt him; and that he be allowed ſome ſhort Time to give in his Anſwer.' The Lords agreed to this, and ordered *Monday* next, the 31ſt Inſtant, for that Purpoſe. Accordingly,

On that Day, the Duke of *Richmond* brought in his Anſwer to the Charge againſt him from the Commons, which his Grace, ſtanding in his Place, read in theſe Words:

The Duke's Speech in his own Defence.

My Lords,

'I Take it this Vote of the Houſe of Commons, which to me muſt prove very heavy if it light upon me, is grounded on theſe three Reaſons.'

Then his Grace repeated the Subſtance of the three Articles brought by the Commons againſt him; and proceeded thus:

'Upon theſe three Reaſons the Houſe of Commons have deſired your Lordſhips to join with them in petitioning his Majeſty, That I might not have any Acceſs to the Perſons or Courts of the King and Queen, *&c.* This is the Charge.

'Though theſe Requeſts, if put in Execution, would much afflict me; yet the Senſe of the Houſe of Commons, and their ill Opinion of me, which I judge by their Vote, is a greater Croſs than any that hath yet befallen me: But I have this Comfort, that as the Houſe of Commons have paſſed this Vote, and made theſe Requeſts againſt me, without hearing my Defence; ſo that, when your Lordſhips ſhall hear my clear and ingenuous Anſwer, you, I hope, will be ſo far from joining with them

in

in any such Request to his Majesty, that I shall pre- An. 17. Car. I.
sume to be an humble Suitor to your Lordships to 1641.
clear my Innocence to the House of Commons; January.
and to set me right in their good Opinion, which I much desire; who, I doubt not, are so just as to acquit or condemn, according as the Cause shall appear unto them.

'And to your Lordships I affirm, by all that may procure Belief, that I did never malign the Prosperity and Happiness of the King, Kingdom, or Parliament; my Interest in all may be some Persuasion to justify what I say; nor did I give the King, my Master, any Counsel whatever, but what, in my own Heart, I conceived to tend to the Advancement of his Honour, and Maintenance of the Public Good of the Kingdom; the Union of the King and his People each to the other, and a right Understanding and Correspondence between him and his Parliament; and, from my Heart, I cannot but declare against any, if there be any, of a contrary Opinion.

'So far am I from a Thought of Prejudice to the Kingdom of *Ireland*, that I would rejoice as much to see the Protestants there settled in Peace and their Possessions, the Protestant Religion there established, the Rebels there suppress'd, and that Kingdom reduced to Obedience, as any of his Majesty's Subjects, and be as ready to join in giving Assistance to effect it; for I crave Leave to let your Lordships know, that I have, some Months since, sent into *Ireland*, of my own, thirty-nine Barrels of Powder, one hundred and twenty Muskets and Pikes, sixty Corslets and Head-Pieces, besides Match and Bullets, both for great Ordnance and Muskets, to *Colmore* Castle, for the Defence of that, *Londonderry*, and the Country about it; and I left 200 *l.* Sterling in my Agent's Hands, for defraying the Charge of transporting those Things.

'But to apply myself to the particular Reasons of the Charge against me; it rests upon the Truth of the Fact, and your Lordships Judgment of it, either

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either to acquit or condemn me, which I shall wholly submit to.

'I must crave your Lordships Pardon for giving any Answer at all to the third Reason, touching what passed from me in this House; as well in respect of the Privilege of this House, where Things of that Nature, as I conceive, are to be questioned; as for that your Lordships have already taken the same into your Consideration, and I have undergone and perform'd your Lordships Censure thereon, before this Accusation. I know it will not seem just to your Lordships, that I should be in a worse Case than any other Subject, to receive a double Punishment for one and the same Offence; and I know your Lordships cannot but conceive it to be of more than ordinary Consequence in the Precedent.

'For the other, I shall give your Lordships a distinct Answer. I must beg your Leave to deny some Things which have been charged upon me; but shall ingenuously confess whatsoever I know to be a Truth, touching those Things, how prejudicial soever it may prove to me; and rely more upon my own Innocence, than to defend myself by denying a Truth, or defending what is not so.

'*Magna est Veritas & prevalebit.* I wish it may do so in what concerns me. *Regnet Justitia & ruat Cœlum.*

'I conceive the Proof for the first Reason, inducing the House of Commons to believe an Intention in me to overthrow the Freedom of Election, and make a Party in Parliament, is upon the Information of Sir *Henry Hayman*, That I did write to the Town of *Hithe* to chuse one Captain *Wimberley*, to serve for one of the Barons there, in this present Parliament; but he was not elected. The Gentleman that gave the Information I do not know; but it is true in this; and if it be an Offence, I shall be so far my own Accuser, that I have here brought a true Copy of that Letter which I sent to that Port, with a Witness, who is without, to attest it. Other Recommendation

commendation, than by that Letter only, I never made to that Town; but I was so far, before this Accusation, from thinking it an Offence that, I confess to your Lordships, I wrote the like Letter to other Places, within the Jurisdiction of the Ports; and I was informed that the Warden of the Cinque Ports had, in all Times, done the like. But this being no more than a bare Recommendation, their Choice was left free; and in some of those Places my Request prevented, in some not: But I had never so much as a Thought of Ill against any who gave his Vote against the Party recommended; and will hazard my Honour and Fortune, that no Man can affirm that I ever gave them the least Check upon this Occasion. An. 17. Car. I. 1641. January.

'For the Copy of the Letter written by Captain *Collins*, suggested to be one of my Officers, and signified to be by my Directions; I confess that Captain was Deputy of the Lieutenancy of *Dover-Castle*, which is under my Command; but whether the Captain wrote such a Letter to the Port of *Hithe*, I know not; but this I know for certain, that my Directions imported not so much; and I hope your Lordships will not think it just to charge me with a high Crime, drawing on so heavy a Punishment, for what an Under-Officer shall do without my Knowledge. Yet, in this, I will not conceal one Tittle of Truth; for it is true I did write to Captain *Collins*, and shall shew your Lordships the very Letter itself, which I have sent for since your last Sitting; and when I have told your Lordships the Occasion, which I shall make good by Proof, I am confident you will find it far from a Crime. It was this:

'I being Warden of the Cinque Ports, and the Writ of Summons of Parliament directed to me, I make Warrant to the several Ports, for Election of their Barons; which, when done, they return them to me, and I return them with the Writ of Summons. Now, I having made Warrants, accordingly, to the Ports, and received and returned their Barons elected, I was informed from the Port of *Sand-*

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Sandwich, That some had given Voices in their Election who received Alms from the Town, with some other Questions about Elections in other Places, particularly *Rye*, for which I was informed there was a Petition in Parliament; and because I might be able to give an Account touching all these Elections, if Occasion were, I wrote to all the Ports in general, to be certified how the Elections went by the Poll; that is, to know how many Voices went for the one, and how many for another; but for their Names I wrote not, tho' I had Ground enough given me by the Complaint of *Sandwich*; and if Capt. *Collins* did, upon this Letter of mine, I hope that shall not turn to my Prejudice or his, since there was no ill Intent, nor hath been any ill Consequence from it: For this I affirm, confidently, to your Lordships, That not one Elector, in any of the Ports, was ever menaced or ill used by me, or my Direction. I cannot be disproved in this, and your Lordships will hardly believe I wrote to Capt. *Collins* out of any Intention of Revenge; when, by the same Letter, I desired to be certified of the Poll in all the Ports, as well where the Party recommended by me was elected, as where he was not.

'This is the whole Truth, and my Answer touching that Business; and if it be an Offence to write a Letter to recommend a Gentleman for an Election, yet, I hope, it will not deserve so severe a Punishment. Sure I am I never understood it an Offence; for, if I had, I should not have done it myself, or believe it to be generally done by others, who, I hope, will never come in Danger of Punishment for it. And now, before I go to the *second Head*, I desire your Lordships to hear the Letters, and the Witness upon the Occasion of them.'

Then the Letter to the Mayor and Jurats of Hithe *was read, with their Answer to his Grace, which contained much the same as is expressed in his Defence; as did, also, the Letter to Capt.* Collins, *in relation to the sending up the Polls of all the Ports. Then the Duke proceeded:*

'The

'The *second* and only Thing to be now answered, is, The endeavouring to corrupt the Members of the House of Commons, after they were elected, for Support of Delinquents. The Offence which is charged, I am confident your Lordships will not find me guilty of; all the Instance of Proof is only upon a Message pretended to be delivered to one Mr. *Peard*, a Member of the House of Commons, by my Steward, who is my Cousin, *Adrian Scroop*; and some Speeches and Gestures of mine to Mr. *Peard*, some Time after that Message. I know your Lordships will not take this upon an implicit Faith, that it is true, because it is charged against me: But I must crave your Noble Justice, as a free Subject as well as a Peer, to be judged *secundum Probata* as well as *Allegata*; and, notwithstanding this Misfortune which is fallen upon me, I hope you believe I will not tell you an Untruth. I confess I sent my Steward to Mr. *Peard*; and he being one who has long been with me, and ever carried himself honestly and like a Gentleman, gives me Confidence that he deliver'd no such Message to Mr. *Peard*, from me, as is charged. I protest to your Lordships, upon my Honour, that the Message I sent was no more than to this Effect, 'That if, in the Business of Mr. *Percy*, it fell in his 'Way to do him any just Favour, that I should 'take it as a Courtesy, and express it to him upon 'any fair Occasion.' This was without any other Intimation or particular Request whatsoever, and I am confident my Servant delivered it to him no otherways; for he brought me a civil Answer of his Readiness to do any Thing he might, with a good Conscience, which was as much as I desired. And I was so far from taking Offence, that, when I spoke to Mr. *Peard*, it was only to avow my Servant, and to give him Thanks; and no such Thing happened as has been informed by him.

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'Now, my Lords, Mr. *Percy* being my old Acquaintance at School; in our Travels, and here at home, having lived Friends together; I thought I could do no less than to ask just Favours for him

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in his Diſtreſs. There was no unlawful Thing deſired; no Bribes offered; if this be an Offence, as I hope it is not, I am confident it will not be ſo heinous as to draw ſo heavy a Cenſure upon me.

'And becauſe, my Lords, I would be quit of this great Burthen, I have cauſed *Scroop* to attend without; and deſire your Lordſhips to examine him, upon his Oath, touching the Truth of the Meſſage, and what paſſed between Mr. *Peard* and him; for I am guilty of no Tittle more than what I have confeſſed to you. I know not what paſſed in the Houſe of Commons, or that Mr. *Peard* had ever ſpoken in that Buſineſs; or if *Scroop* had deſired him not to preſs that Buſineſs, or perſuaded him not to call upon it, or intimated any Thing of the King or the Queen, which I believe he did not, it was without any Direction from me, and let him anſwer for it. But I rather believe there was no Ill in the Meſſage, becauſe Mr. *Peard* did not then, nor at any Time ſince, till this Queſtion in the Houſe of Commons, call upon him or me concerning it.

'My Lords, I am no Lawyer nor Orator, but I am a Gentleman; and, in that Conſideration, ſo much concerned in what is moved againſt me, as though Life or a total Confiſcation may not be deſired, yet upon the Conſequence of it ſo much of Honour and Reputation depends, that I eſteem it equal to any of thoſe Cenſures. But I have ſo much Innocence in me, as makes me confident that I cannot miſcarry by your Lordſhips Judgment; and therefore have adventured to make my own Defence, who beſt know the Truth of my own Heart; and ſo I ſubmit myſelf and Cauſe, which concerns you all, to your Lordſhips Judgment.'

RICHMOND.

The Duke having ended, he deſired that *Thomas Webb*, his Secretary, might, upon Oath, relate the Occaſion of writing the Letters to the Port-Towns; which was one Complaint againſt his Grace.

Grace. Then the Lords sent a Message to the Commons, 'That, in regard of their Offer made at the last Conference, they desire that Sir *Henry Hayman* and Mr. *Peard* may come before the Lords; and, upon Oath, testify what they know in the Business concerning the Duke of *Richmond*.

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The same Day the new Grant of a Subsidy on Tonnage and Poundage, &c. was read a second and third Time in the House of Lords, and passed.

Bill for Tonnage, &c. passed for a Time Only.

After this the Lord-Keeper inform'd the House, That he had received a Letter from the King, with a Message inclosed to both Houses, which were read *in hæc Verba:*

CHARLES *R.*

Right Trusty and Well-beloved, we greet you well,

OUR Will and Pleasure is, that you deliver the Message enclosed, to be read in our House of Peers before the Passing the Bill for Tonnage and Poundage, for which this shall be your Warrant.

Given at our Court at *Windsor* the last Day of *January*, 1641.

'Though his Majesty, having passed more Acts 'of Justice and Grace in this Parliament than has 'ever been passed by any of his Royal Ancestors, 'might well expect, from the Affection and Grati- 'tude of his Parliament, to have received the Sub- 'sidy of Tonnage and Poundage for no less a Time 'than it hath been granted to any of his Predeces- 'sors; yet, in regard that, by a Clause in this Bill, 'he finds that his Parliament intends not to conti- 'nue the old Book of Rates, and that the settling 'a new one must require some Time; and in respect 'that otherwise it might beget an Interruption of 'Trade, give an Advantage to foreign States, and 'leave the Seas unguarded, to the Danger of this 'Kingdom and *Ireland*; he hath, at this Time, 'given a Commission for the passing of this present

The King's Message thereupon, at giving the Royal Assent by Commission.

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'Bill, the 25th of *March:* Not doubting, but, as 'ſoon as their extraordinary Affairs will permit, 'that they will ſettle a new Book of Rates; and, by 'granting this Subſidy in the uſual Manner, will 'give a Proof of their good Intentions, as they have 'often expreſſed, and of which he is fully ſatisfied, 'to conſider no leſs both his Subſtance and Splen-'dor, than their own Liberties and Intereſts.'

Act paſſed for Relief of *Ireland.*

The Commiſſioners being ready, and the Houſe of Commons come up, the King's laſt Meſſage was read to them; after which the Subſidy-Bill had the Royal Aſſent, with another *For a ſpeedy Contribution and Loan towards the Relief of his Majeſty's diſtreſſed Subjects of the Kingdom of* Ireland.

Mr. *Whitlocke* writes, 'That the Purport of this Bill was, That every one that would bring in and adventure Money for the reducing of *Ireland*, ſhould have ſo many Acres of the *Iriſh* Rebels Lands, proportionable to the Money they brought in; on which, he ſays, great Sums were raiſed for that Service.'

The *Scots* Commiſſioners renewed their Requeſt to the Lords, to have the Treaty for the Relief of *Ireland* brought to a ſpeedy Cloſe, the miſerable Condition of it ſtill increaſing; on which ſome more Orders were made about it, but nothing effectual.

The Trial of the twelve Biſhops again poſtpon'd for four Days.

Farther Proceedings againſt the Duke of *Richmond.*

February 1. The Houſe of Lords proceeded in the Buſineſs of the Duke of *Richmond*; when Mr. *Peard* gave his Evidence, upon Oath, near in the ſame Manner as is before related. The Duke, having heard this Evidence, denied that he gave his Steward, Mr. *Scroop*, any ſuch Directions as Mr. *Peard* alledged; and, being withdrawn, the Houſe went into a Debate, Whether Mr. *Scroop* ought to be examined, upon Oath, to know what Directions the Duke gave him; becauſe, thereby, he might accuſe himſelf. The Judges Opinions being

being asked on this Question, they were all in a Mind, That, in the ordinary Courts of Justice, Mr. *Scroop* might, by Law, be examined on Oath. An. 17. Car. I. 1641. February.

Hereupon Mr. *Scroop* was sworn and examined, who said 'That the Duke directed him to go to Mr. *Peard*, and to desire him, that, in the Business of Mr. *Percy*, he would, if it fell fairly in his Way, rather incline to do good Offices, than press in Rigour; and that thereby he might engage my Lord Duke to render him Thanks, and to return him such Favours as fell in his Way; but that he had no Directions to speak of any Favours intended from the King or Queen.'

He is cleared by the Lords;

This being done, the Lords considering of the Evidence on both Sides, the Affair of the Cinque Ports being dropt, the Question was put, Whether that House should join with the Commons in the Petition against the Duke? It passed in the Negative.

Hereupon the following Lords entered their Dissent:

Whereupon several Peers enter their Dissent,

Earl of NORTHUMBERLAND.	*Lord* CROMWELL.
Earl of ESSEX.	*Lord* DACRES.
Earl of PEMBROKE.	*Lord* WHARTON.
Earl of LINCOLN.	*Lord* PAGET.
Earl of LEICESTER.	*Lord* ST. JOHN.
Earl of WARWICK.	*Lord* NORTH.
Earl of HOLLAND.	*Lord* SPENCER.
Earl of BOLINGBROKE.	*Lord* KIMBOLTON.
Earl of STAMFORD.	*Lord* BROOKE.
Visc. SAY & SELE.	*Lord* ROBERTS.
Viscount CONWAY.	*Lord* GREY *de* Werk.
	Ld. HOWARD *de* Escrick.

We have been the more particular in our Account of this Complaint of the Commons against the Duke of *Richmond*, in regard that not the least Notice is taken of this Affair in *Rushworth* or *Whitlocke*:——But now to return to other Matters.

The same Day, *Feb.* 1, the House of Commons sent up a Draught of a Petition to the King, con-

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cerning the Lord *Kimbolton* and the five Members, in which was recited all that had paſſed in that Buſineſs; and that they once again beſought his Majeſty to give Directions that they might be informed, in two Days Time, what Proofs there were againſt them, that they might be brought to a legal Trial; it being the undoubted Right and Privilege of Parliament, that no Member can be proceeded againſt without Conſent of the Houſe. To which Petition they deſired their Lordſhips Concurrence; which was granted.

This Day, alſo, the Commons ſent up a Meſſage, to deſire the Lords to join with them in another Petition to the King, That the Forts and Militia of the Kingdom might be put into ſuch Hands as were approved of by both Houſes of Parliament; to deſire that Houſe to lay this Thing to Heart; and to tell them, that if they will not join with the Commons, now that Things are brought to the laſt Gaſp, then to deſire thoſe Lords that are of Opinion with this Houſe, to declare themſelves, that they may be known from the reſt; to proteſt themſelves innocent of whatever Miſchief may fall out; and to tell them plainly, that they muſt not expect the Commons to come to them again on this Buſineſs [x]. Laſtly, to communicate to their Lordſhips an Anſwer which they had received from the King, on a Petition of their own, preſented to him, concerning that Affair; which was read in theſe Words:

The King's Anſwer to the Commons Petition concerning the *Tower*, the Forts, and Militia.

HIS Majeſty having ſeriouſly conſidered of the Petition preſented to him from the Houſe of Commons, on Wedneſday *the 26th of laſt Month, returns this Anſwer:*

That he was in good Hope his gracious Meſſage of the 20th of that Month, to both Houſes, would have produced ſome ſuch Overture, which, by offering what is fit on their Parts to do, and aſking what is proper for

[x] This Paragraph is in the *Commons Journals*, but we do not find that it was delivered, *totidem Verbis*, to the Lords.

for his Majesty to grant, might beget a mutual Confidence in each other. An. 17. Car. I. 1641. February.

Concerning the Tower *of* London; *his Majesty did not expect that (having preferred a Person of a known Fortune and unquestionable Reputation to that Trust) he should be pressed to remove him, without any particular Charge objected against him, and therefore returns this Answer;*

That if, upon due Examination, any Particular shall be presented to his Majesty, whereby it may appear that his Majesty was mistaken in his Opinion of this Gentleman, and that he is unfit for the Trust committed to him, his Majesty will make no Scruple of discharging him; but, otherwise, his Majesty is obliged, in Justice to himself, to preserve his own Work, lest his Favour and good Opinion may prove a Disadvantage and Misfortune to his Servants, without any other Accusation; of which his Majesty doubts not his House of Commons will be so tender, as of a Business wherein his Majesty's Honour is so much concern'd, that, if they find no material Exception against this Person, they will rather endeavour to satisfy and reform the Fears of other Men, than, by complying with them, press his Majesty to any Resolution which may seem so much to reflect upon his Honour and Justice. For the Forts and Castles of the Kingdom; his Majesty is resolved that they shall always be in such Hands (and only such) as the Parliament may safely confide in; but the Nomination of any Persons to those Places (being so principal and inseparable a Flower of his Crown, vested in him, and derived unto him from his Ancestors, by the Fundamental Laws of the Kingdom) he will reserve to himself; in bestowing whereof, as his Majesty will take Care that no corrupt or sinister Courses shall prevail with him, so he is willing to declare, That he shall not be induced to express that Favour so soon to any Persons as to those whose good Demeanor shall be eminent in or to his Parliament; and if he now hath, or shall at any Time, by Misinformation, confer such a Trust upon an undeserving Person, he is, and always will be, ready to leave him to the Wisdom and Justice of his Parliament.

For

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For the Militia of the Kingdom (which, by the Law, is subject to no Command but of his Majesty, and of Authority lawfully derived from him); when any particular Course, for ordering the same (which his Majesty holds very necessary for the Peace and Security of his Kingdom) shall be considered and digested by his Parliament, and proposed to his Majesty, his Majesty will return such an Answer as shall be agreeable to his Honour, and the Safety of his People; his Majesty being resolved only to deny those Things, the Granting whereof would alter the Fundamental Laws, endanger the very Foundation upon which the public Happiness and Welfare of his People is founded and constituted, and nourish a greater and more destructive Jealousy between the Crown and the Subject, than any of those which would seem to be taken away by such a Satisfaction. And his Majesty doth not doubt, that his having granted more than ever King hath granted, will never persuade his House of Commons to ask more than ever Subjects have asked; and if they shall acquaint his Majesty with the particular Grounds of their Doubts and Fears, he will very willingly apply Remedies proportionable to those Fears; for his Majesty calls God to witness, that the Preservation of the public Peace, the Law and the Liberty of the Subject is, and shall always be, as much his Majesty's Care and Industry, as of his own Life, or the Lives of his dearest Children: And therefore his Majesty doth conjure his House of Commons, by all the Acts of Justice and Favour they have received from him, this Parliament, by their Hopes of future Happiness in his Majesty and in one another, by their Love of Religion and the Peace of this Kingdom, in which that of Ireland *cannot be forgotten, that they will not be transported, by Jealousies and Apprehensions of possible Dangers, to put themselves or his Majesty into real and present Inconveniences; but that they will speedily pursue the Way proposed by his Majesty's former Message, which, in human Reason, is the only Way to compose the Distractions of the Kingdom, and, with God's Blessing, will restore a great Measure of Felicity to King and People.*

This

This Answer being read, the Lords took it into Consideration, and then resolved, first, to join with the Commons in voting, That whosoever advised the King to give this Answer, is of the malignant Party, and an Enemy to the Public Peace and Safety of the Kingdom: Likewise to join with them in the Petition, as desired; and these Votes being communicated to the other House, they returned for Answer, That they received them with a great deal of Joy, and that they hoped it would be for the Good of the King and of the whole Kingdom.

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Both Houses declare the Advisers of the said Answer to be Enemies to the Kingdom, &c.

February 2. A Draught of the above-mentioned Petition was read in the House of Lords, and agreed to; and presented to the King this Day by two Lords and four Commoners, *in hæc Verba:*

To the KING's Most Excellent Majesty,

The HUMBLE PETITION of the LORDS and COMMONS assembled in Parliament.

Most Gracious Sovereign,

And petition the King again.

THE present Evils and Calamities wherewith your Kingdoms are most miserably intangled, the imminent Dangers which threaten your Royal Person and all your People, have caused us your most faithful and obedient Subjects, the Lords and Commons in this present Parliament, with Thankfulness to entertain, and with all Earnestness of Affection and Endeavour to pursue, the gracious Proposition and Direction which, not long since, we have received from your Majesty: And we have thereupon taken into our most serious Consideration the Ways and Means of securing the Safety of your Royal Person; preserving the Honour and Authority of your Crown; removing all Jealousies betwixt your Majesty and your People; suppressing the Rebellion in Ireland; *preventing the Fears and Dangers in this Kingdom, and the mischievous De-*

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Designs of those who are Enemies to the Peace of it. And that we may, with more Comfort and Security, accomplish our Duties herein, we most humbly beseech your Majesty, that you will be pleased forthwith to put the Tower of London, *and all other Forts and the whole Militia of the Kingdom, into the Hands of such Persons as shall be recommended unto your Majesty by both Houses of Parliament; which, they assure themselves, will be a hopeful Entrance into those Courses, which, through God's Blessing, shall be effectual for the removing all Diffidence and Misapprehension betwixt your Majesty and your People, and for establishing and enlarging the Honour, Greatness, and Power of your Majesty and Royal Posterity, and for the restoring and confirming the Peace and Happiness of your loyal Subjects in all your Dominions. And to this our most necessary Petition, we, in all Humility, expect your Majesty's speedy and gracious Answer, the great Distractions and Distempers of the Kingdom not admitting any Delay.*

Sir *Edward Dering* expelled for printing his Speeches.

The same Day the House fell into a Debate and Consideration of a Book composed and printed by Sir *Edward Dering*; and observed unto him divers Passages out of it, which were laid to his Charge: And, after he had made his several and respective Answers unto these Charges, he was commanded to withdraw: Then it was resolved, 1. That a Book [1] of Sir *Edward Dering*'s, intitled, *A Collection of Speeches made by Sir* Edward Dering, *Knight and Baronet, in Matter of Religion*, is against the Honour and Privilege of this House, and scandalous to this House; and shall be burnt, by the Hands of the common Hangman, in *Westminster*, *Cheapside*, and *Smithfield*. 2. That the said Sir *Edward Dering* shall be disabled to sit as a Member of this House, during this Parliament; and that a new Writ shall issue for electing a Knight to serve for the County of *Kent*, in the room and place of Sir *Edward Dering*, thus disabled; and that

[1] See before in this Volume, p. 45.

that he be ſent to the *Tower*, there to remain during the Pleaſure of the Houſe. [m] An. 17. Car. I. 1641. February.

Sir *Edward Dering* being call'd in, and kneeling at the Bar, Mr. Speaker pronounced this Sentence againſt him and his Book accordingly.

The Trial of the twelve Biſhops was, once more, put off to the 8th Inſtant; after which both Houſes adjourned to the 4th, and ordered, in the mean Time, that Committees ſhould ſit on *Iriſh* Affairs at *Merchant-Taylors-Hall*.

Feb. 4. A Commiſſion was ſent from the King, to give the Royal Aſſent to an Act *For the better raiſing and levying of Sailors and Mariners for the preſent guarding of the Seas*, &c. which was done in the uſual Form. Some more Petitions, from Counties, were read, of the ſame Strain with the former; which is all of Moment that was done in the Houſe of Lords. But a very odd Petition was this Day preſented to the Commons from ſeveral Gentlewomen, and Tradeſmen's Wives, in the City. On the laſt Day of ſitting theſe Female Zealots had been obſerv'd to crowd much about the Door of the Houſe of Commons; and Serjeant-Major *Skippon*, the Commander of the Guard, had applied to the Houſe to know what to do with them; they telling him, 'That where there was one now there would be five hundred the next Day; and that it was as good for them to die here as at home.' The Houſe adviſed him to ſpeak them fair, and ſend them home again: But this Day they were as good as their Words; for they came down in great Numbers and preſented a Petition to the Commons, which was received and read [n]. This Petition is mentioned in their *Journals*; and as it is preſerved in Act paſſed for levying Sailors.

[m] Upon this laſt Queſtion the Houſe divided. Yeas 85, Noes 61. But he was diſcharged a few Days after. *Com. Journ.*

[n] It is probable the old jocular Story of the Door-Keeper of the Houſe of Commons calling to a Crowd of Women in the Lobby, *Ladies fall back, and open to the Right and Left, that the Members may come in*, took its Riſe from this Accident.

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in our Collections, we think proper to give it here, with the Answer to it, as it was printed in these Times. [o]

To the Honourable KNIGHTS, CITIZENS, and BURGESSES of the House of Commons, assembled in Parliament,

The HUMBLE PETITION of the GENTLEWOMEN, TRADESMEN'S WIVES, and many others of the FEMALE SEX, all Inhabitants of the City of *London*, and the Suburbs thereof,

With the lowest Submission sheweth,

Petition to the Commons from the Tradesmen's Wives, &c. for Redress of Grievances,

THAT we, with all thankful Humility, acknowledging the unwearied Pains, Care, and great Charge, besides Hazard of Health and Life, which you, the noble Worthies of this honourable and renowned Assembly, have undergone, for the Safety both of Church and Commonwealth, for a long Time already past; for which not only we, your humble Petitioners, and all well-affected in this Kingdom, but also all other good Christians are bound now, and at all Times, to acknowledge; yet notwithstanding that many worthy Deeds have been done by you, great Danger and Fear do still attend us, and will, as long as Popish Lords, and superstitious Bishops are suffered to have their Voice in the House of Peers; that accursed and abominable Idol of the Mass suffered in the Kingdom; and that Arch-enemy of our Prosperity and Reformation lieth in the Tower, *not yet receiving his deserved Punishment.* [p]

All these, under Correction, gives us great Cause to suspect that God is angry with us; and to be the chief Causes why your pious Endeavours for a further Reformation proceedeth not with that Success as you desire, and is most earnestly prayed for, of all that wish well to true Religion, and the flourishing Estate both of King and Kingdom: The Insolencies of the Papists and their Abettors raiseth a just Fear and Suspicion

o Printed by *John Wright*, at the *King's-Head* in the *Old Bailey*.
p Archbishop *Laud*.

picion of sowing Sedition, and breaking out into bloody Persecution in this Kingdom, as they have done in Ireland; *the Thoughts of which sad and barbarous Events maketh our tender Hearts to melt within us, forcing us humbly to petition this Honourable Assembly, to make safe Provision for yourselves and us, before it be too late.* An. 17. Car. I. 1641. February.

And whereas we, whose Hearts have joined chearfully with all those Petitions which have been exhibited unto you, in the Behalf of the Purity of Religion, and the Liberty of our Husbands Persons and Estates; recounting ourselves to have an Interest in the common Privileges with them, do, with the same Confidence, assure ourselves to find the same gracious Acceptance with you, for easing of those Grievances, which, in regard of our frail Condition, do more nearly concern us, and do deeply terrify our Souls; our domestic Dangers, with which this Kingdom is so much distracted, especially growing on us from those treacherous and wicked Attempts which, already, are such as we find ourselves to have as deep a Share in as any others.

We cannot but tremble at the very Thoughts of the horrid and hideous Facts, which Modesty forbids us now to name, occasion'd by the bloody Wars in Germany *and by his Majesty's late* Northern *Army. How often did it affright our Hearts, whilst their Violence began to break out so furiously upon the Persons of those whose Husbands or Parents were not able to rescue them: We wish we had no Cause to speak of those Insolencies, savage Usage, and unheard-of Rapes, exercised upon our Sex in* Ireland: *And have we not just Cause to fear they will prove the Forerunners of our Ruin, except Almighty God, by the Wisdom and Care of this Parliament, be pleased to succour us, our Husbands and Children, which are as dear and tender to us as the Lives and Blood of our Hearts; to see them murder'd and mangled and cut in Pieces before our Eyes; to see our Children dash'd against the Stones, and the Mother's Milk, mingled with the Infant's Blood, running down the Streets; to see our Houses on flaming Fire over our Heads: Oh, how dreadful would this be!*

We

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We thought it Misery enough, though nothing to that we have just Cause to fear, but few Years since, for some of our Sex, by unjust Divisions from their Bosom Comforts, to be rendered, in a Manner, Widows, and their Children fatherless; Husbands were imprisoned from the Society of their Wives, even against the Laws of God and Nature; and little Infants suffered in their Father's Banishments: Thousands of our dearest Friends have been compelled to fly, from Episcopal Persecutions, into desert Places amongst wild Beasts, there finding more Favour than in their native Soil: And, in the Midst of all their Sorrows, such hath the Pity of the Prelates been, that our Cries could never enter into their Ears or Hearts; nor yet, through Multitude of their Obstructions, could ever have Access or come nigh to those Royal Mercies of our most gracious Sovereign, which we confidently hope would have relieved us.

After all these Pressures ended, we humbly signify that our present Fears are, that unless the blood-thirsty Faction of the Papists and Prelates be hindered in their Designs, ourselves in England, *as well as they in* Ireland, *shall be exposed to that Misery which is more intolerable than that which is already past; as, namely, to the Rage, not of Men alone, but of Devils incarnate, as we may so say, besides the Thraldom of our Souls and Consciences concerning God, which, of all Things, are most dear unto us.*

Now the Remembrance of all these fearful Accidents aforementioned, do strongly move us from the Example of the Women of Tekoa, *to fall submissively at the Feet of his Majesty, our dread Sovereign, and cry,* Help, O King! *Help ye the noble Worthies now sitting in Parliament! And we humbly beseech you, that you will be a Means to his Majesty and the House of Peers, that they will be pleased to take our heart-breaking Grievances into timely Consideration, and add Strength and Encouragement to your noble Endeavours; and further, that you would move his Majesty with our humble Requests, that he would be graciously pleased, according to the Example of the good King* Asa, *to purge both the Court and Kingdom of*

of that great idolatrous Service of the Mass, which is tolerated in the Queen's Court; this Sin, as we conceive, is able to draw down a greater Curse upon the whole Kingdom, than all your noble and pious Endeavours can prevent: The good and pious King Asa *would not suffer Idolatry in his own Mother, whose Example if it shall please his Majesty's gracious Goodness to follow, in putting down Popery and Idolatry both in Great and Small, in the Court and in the Kingdom throughout; to subdue the Papists and their Abettors; and by taking away the Power of the Prelates; (whose Government, by long and woful Experience, we have found to be against the Liberty of our Conscience, the Freedom of the Gospel, and the sincere Profession and Practice thereof) then shall our Fears be removed: And we may expect that God will pour down his Blessings, in abundance, both upon his Majesty and upon this Honourable Assembly, and upon the whole Land:*

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For which your Petitioners shall pray affectionately, *&c.*

The Reasons of this Petition follow:

IT may be thought strange, and unbeseeming our Sex, to shew ourselves by way of Petition to this Honourable Assembly: But the Matter being rightly considered of, the Right and Interest we have in the common and public Cause of the Church, it will, as we conceive, under Correction, be found a Duty commanded and required;

First, *Because* Christ *hath purchased us at as dear a Rate as he hath done Men, and therefore requireth the like Obedience for the same Mercy, as of Men.*

Secondly, *Because in the free enjoying of* Christ *in his own Laws, and a flourishing Estate of the Church and Commonwealth, consisteth the Happiness of Women as well as Men.*

Thirdly, *Because Women are Sharers in the common Calamities, that accompany both Church and Commonwealth, when Oppression is exercised over the Church or Kingdom wherein they live; and unlimited Power given to the Prelates, to exercise Authority over*

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over the Consciences of Women as well as Men; witness Newgate, Smithfield, *and other Places of Persecution, wherein Women as well as Men have felt the Smart of their Fury.*

Neither are we left without Example in Scripture; for when the State of the Church, in the Time of King Ahasuerus, *was, by the bloody Enemies thereof, sought to be utterly destroyed, we find that* Hester *the Queen and her Maids fasted and prayed; and that* Hester *petitioned to the King, in the Behalf of the Church; and though she enterprized this Duty with the Hazard of her own Life, being contrary to the Law to appear before the King before she were sent for; yet her Love of the Church carried her through all Difficulties, to the Performance of that Duty.*

On which Grounds we are emboldened to present our Humble Petition unto this Honourable Assembly, not regarding the Reproaches which may and are, by many, cast upon us; who do, not well weighing the Premises, scoff and deride our good Intent. We do it not out of any Self-conceit, or Pride of Heart, as seeking to equal ourselves with Men, either in Authority or Wisdom; but, according to our Places, to discharge that Duty we owe to God, and the Cause of the Church, as far as lyeth in us; following herein the Example of those godly Women, which have gone, in this Duty, before us.

The Editor of this Petition tells us, 'That it was presented by Mrs. *Ann Stagg*, a Gentlewoman, and Brewer's Wife, and many others with her of like Rank and Quality; and that, after some Time spent in reading of it, the House sent them an Answer by Mr. *Pymme*, which was performed in this Manner:——Mr. *Pymme* came to the Commons Door, and called for the Women, and spake unto them in these Words:

Good Women,

Mr. *Pymme*'s Answer to them in the Name of the House.

'YOur Petition, with the Reasons, hath been read in the House, and is thankfully accepted of, and is come in a seasonable Time.

'You

'You shall, God willing, receive from us all the Satisfaction which we can possibly give to your just and lawful Desires. An. 17. Car. I. 1641. February.

'We intreat you therefore to repair to your Houses, and turn your Petition, which you have delivered here, into Prayers at home for us; for we have been, are, and shall be, to our utmost Power, ready to relieve you, your Husbands, and Children; and to perform the Trust committed unto us, towards God, our King and Country, as becometh faithful Christians and loyal Subjects.'

About this Time also a Petition from the young Men, Apprentices, and Seamen; another from the poor Tradesmen and Manufacturers; and a third from the very Porters of *London*, were presented to the House of Commons, who received them all very graciously. Other Petitions.

February 5. The Earl of *Newport* acquainted the Lords, That his Majesty would answer the Petitions of both Houses, concerning the Lord *Kimbolton* and the five Members, and that concerning the Militia, both together.

The same Day a Bill, which had laid long in the House of Lords, *For taking away the Bishops Votes in Parliament*, was read a third Time; when, after a long Debate, the Question being put, Whether it should pass into a Law? it was resolved in the Affirmative; only the Bishops of *Winchester*, *Rochester*, and *Worcester* dissenting. The Lords pass the Bill for taking away the Bishops Votes.

February 7. The Passing this Bill being communicated to the Commons, a Message was sent up the next Day of Meeting, by Sir *Robert Harley*, importing, 'That the House of Commons did much rejoice in that clear Concurrence and Correspondency between both Houses; and they desired their Lordships would send some Lords to the King, humbly to request, That he would be pleased to

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crown this Bill with his Royal Assent, as one of the chiefest Means of giving Satisfaction to Men's Minds, and exceedingly conducing towards settling the Distractions of the Kingdom; which was the rather desired as soon as possible, because the Bill was to commence, and be of Force, on the 15th of this Instant *February*.'

The Lords agreed also to this Proposal, and ordered two of their Body to attend the King for that Purpose.

This Day the Lord-Keeper produced a Letter from the King, in which was inclosed his Majesty's Answer to the two late Petitions from Parliament, which the Lords ordered to be read, and was as follows:

The King's second Answer relating to the Forts and Militia,

HIS Majesty having well consider'd of the two several Petitions, presented to him the second Instant, from both Houses of Parliament; and being desirous to express how willing he is to apply a Remedy, not only to your Dangers, but even to your Doubts and Fears; he therefore, to that Petition which concerns the Forts and Militia of this Kingdom, returns this Answer, That when he shall know the Extent of Power, which is intended to be established in those Persons you desire to be Commanders of the Militia in the several Counties; and likewise to what Time it shall be limited that no Power shall be executed by his Majesty alone without the Advice of Parliament:

Then he will declare, That (for the securing you from all Dangers, or Jealousies of any) his Majesty will be content to put in all the Places both of Forts and Militia in the several Counties, such Persons as both the Houses of Parliament shall either approve or recommend unto him; so that you declare before unto his Majesty the Names of the Persons whom you approve or recommend; unless such Persons shall be named, against whom he shall have just and unquestionable Exceptions.

To

To the other Petition, concerning the Members of either Houſe, his Majeſty return'd this Anſwer: An. 17. Car. I. 1641. February.

THAT as he once conceived that he had Ground enough to accuſe them, ſo now his Majeſty finds as good Cauſe wholly to deſert any further Proſecution of them: And for a further Teſtimony of his Majeſty's real Intention towards all his loving Subjects, ſome of whom haply may be involv'd in ſome unknown or unwilling Errors; for the better compoſing and ſettling of Fears and Jealouſies, of what kind ſoever; his Majeſty is ready to grant as free and general a Pardon, for the full Contentment of all his loving Subjects, as ſhall, by the Approbation of both Houſes of Parliament, be thought convenient for that Purpoſe. And to that of the accuſed Members.

To theſe Anſwers his Majeſty added, *That being very much preſs'd by the States Ambaſſador, to ſend the Princeſs his Daughter immediately into* Holland; *and being likewiſe earneſtly deſired by his Royal Conſort, the Queen, to give her Majeſty Leave to accompany her Daughter thither, he hath thought fit to conſent to both Deſires; and to make this his Majeſty's Conſent, and her Majeſty's Reſolutions, known to his Parliament.* His Meſſage concerning the Queen and Princeſs of *Orange*.

Copies of theſe were ſent down to the Commons.

In the Afternoon of the ſame Day, the Commons deſired a Conference with the Lords about the aforeſaid Anſwers; the Report of which was, 'That they preſented to their Lordſhips an Ordinance of Parliament, concerning the Militia, with ſome Reſolutions of their Houſe, about the Continuance of Power to be put to it; which was voted to continue untill it was alter'd by the Advice and Deſires of both Houſes: And that the Power of recommending or altering ſuch Perſons, as ſhall be truſted with the Militia, be on the ſame Footing as in the former.'

The Trial of the Biſhops was again put off, at the Deſire of the Commons, for a Week longer.

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There had been many Debates in the Houſe of Commons concerning the Militia: In which ſome Members declared their Opinions, That the Power of the Militia was ſolely in the King, and ought to be left to him; and that the Parliament never did, nor ought to meddle with the ſame. Others were of Opinion, That the King had not this Power in him, but that it was ſolely in the Parliament; and that if the King refuſed to order the ſame according to the Advice of the Parliament, that then they, by Law, might do it without him. In one of theſe Days Debates, tho' it is not ſaid which, Mr. *Whitlocke* ſpoke as follows [s]:

Debate in the Houſe of Commons concerning the Militia.

Mr. Speaker,

Mr. *Whitlocke*'s Speech on that Occaſion.

'I Have often heard it ſaid in former Debates, in other Matters, in this Houſe, That ſuch and ſuch a Thing was of as great Concernment as ever came within theſe Walls. I am ſure it may be ſaid ſo of the Matter of your preſent Debate: It is truly of the greateſt Concernment that ever came within theſe Walls.

'It highly concerns us all, and our Poſterity after us, where this Power of the Militia ſhall be placed. This great Power, which indeed commands all Men, and all Things, cannot be too warily lodged, nor too ſeriouſly conſidered; and I do heartily wiſh that this great Word, this new Word, this hard Word, the *Militia*, might never have come within theſe Walls; but that this Houſe may be, as the Temple of *Janus*, ever ſhut againſt it. I take the Meaning of thoſe Gentlemen who introduced this Word to be, the Power of the Sword, *Poteſtas Gladii*, which is a great and neceſſary Power, and properly belonging to the Magiſtrate; *Poteſtas Gladii in Facinoroſos*, without which our Peace and Property cannot be maintained.

'But *Poteſtas Gladii in Manibus Facineroſorum*, in the Hands of Soldiers, is that whereof you now debate: And it is beſt out of their Hands; I hope it

[s] *Memorials*, p. 53.

it will never come there. Some worthy Gentlemen have declared their Opinions, that this Power of the Militia is, by Right and Law, in the King only: Others affirm it to be in the Parliament only. I crave Leave to differ from both these Opinions. I humbly apprehend that this Power of the Militia is neither in the King only, nor in the Parliament only; and if the Law hath placed it any where, it is both in the King and Parliament, when they join together. An. 17 Car. I. 1641. February.

'And it is a wise Institution of our Law, not to settle this Power any where; but rather to leave it *in dubio*, or *in Nubibus*, that the People might be kept in Ignorance thereof, as a Thing not fit to be known, nor to be pried into. It is the great *Arcanum Imperii*, and the less it is meddled with, the less Acquaintance we have with it, the better it will be for all Sorts of Persons, both for King and People.

'That this Power of the Militia is not in the King only, appears in this, that the Power of Money is not in the King; but it will be granted here, that the Power of Money is solely in this House; and without the Power of Money to pay the Soldiers, the Power of the Militia will be of little Force.

'But if the Power of the Militia should be in the King, yet the Power of Money being in the Parliament, they must both agree, or else keep the Sword in the Scabbard, which is the best Place for it.

'It is true that the King, by his Tenures, may require the Service, in War, of those that hold of him; but if they stay above forty Days with him, unless he gives them Pay, they will stay no longer.

'And it is also true, as hath been observed, that our Law looks upon the King, as the *Jewish* Law did upon theirs, that, by his Kingly Office, *he is to go in and out before the People*, and to lead them in Battle against their Enemies; but, by the Laws of the *Jews*, their King could not undertake a War abroad without the Consent of the great *Sanhedrim*.

'And, by our Law, as is declared by the Statute 1. *Edward* III. and by divers subsequent Statutes,

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the King can compel no Man to go out of his Country, but upon the ſudden Coming of ſtrange Enemies into the Realm; and how many of our Parliament Rolls do record that the King adviſed with his Parliament about his foreign Wars, and could not undertake them without the Advice and Supplies of the Parliament?

'All the Power of the Militia is exerciſed either in Offence or Defence. Defence is either againſt the Invaſion of Enemies from abroad, or againſt Inſurrections at home.

'Againſt Inſurrections at home, the Sheriff of every County hath the Power of the Militia in him; and if he be negligent to ſuppreſs them with the *Poſſe Comitatus*, he is finable for it.

'Againſt Invaſions from abroad, every Man will be forward to give his Aſſiſtance; there will be little Need to raiſe Forces, when every Man will be ready to defend himſelf, and to fight *pro Aris & Foris*.

'As to offenſive War againſt a foreign Enemy, if the King will make it of himſelf, he muſt of himſelf pay his Army, which his own Revenue will hardly afford; nor can he compel any of his Subjects to ſerve him in thoſe Wars; none can, by Law, be preſſed to ſerve in that War but by Act of Parliament.

'But not to waſte more of your Time, Sir, I ſhall conclude, that, in my humble Opinion, the Power of the Militia is neither in the King alone, nor in the Parliament; but, if any where, in the Eye of the Law, it is in the King and Parliament both conſenting together: And I think it beſt that it ſhould be there ſtill.

'I cannot join in that Advice to you, to ſettle the Militia of ourſelves without the King; but rather with thoſe worthy Gentlemen who have moved, that we, yet again, ſhould petition his Majeſty that the Militia may be ſettled in ſuch Hands as both he and you ſhall agree upon whom you may truſt; and who, I hope, will be more careful to keep the Sword ſheathed than to draw it.'

Feb.

Feb. 8. The next Day, the House of Lords agreed to the aforesaid Resolutions of the Commons about the Militia. The Earl of *Monmouth* reported what the King said concerning the Message of both Houses, to him, for passing the Bill to take away the Bishops Votes, 'That it was a Matter of Weight, which his Majesty would take into Consideration, and send an Answer in convenient Time. Order'd that this be sent down to the other House. An. 17. Car. I. 1641. February. The King delays his Assent to the Bill against the Bishops Votes.

In the Afternoon, the Commons desired another Conference with the Lords, which was reported back to that House, 'That the Commons say, they could not receive the King's Answer about the Bishops Bill, but with great Sorrow, little Hope arising that it would pass.' They say, they hold a Delay to be as bad as a Denial; and seeing the passing of this Bill is a Matter of that great Importance, the Vote of the whole Kingdom being for it, as may appear by daily Petitions from several Parts, the House of Commons desire the Lords to join with them in laying the three following Reasons for it before the King:

The Commons Reasons for hastening it.

1*st*, 'The great and general Sufferings of the Kingdom, by the Clergy's exercising of Secular Jurisdictions, and the Bishops making a Party in the House of Lords, as has been of late expressed from several Parts; it is the Opinion of Parliament that there cannot be Satisfaction given either to the People's just Desires, or the heavy Grievances they suffer under, without the speedy passing of this Bill.

2*dly*, 'The great Content which the Bill's passing in both Houses, hath given to all Sorts of People; the Delay whereof by his Majesty will exceedingly lessen that Satisfaction, and turn it into great Discouragement.

3*dly*, 'The speedy passing of this Bill, of such Importance, would be, to the Lords and Commons, a comfortable Pledge of his Majesty's gracious Intentions to concur with them in their subsequent Desires; which they are preparing to present to his Majesty, as the Cures of those great Evils and Miseries the Kingdom now groans under.'

The

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The Lords joined with the Commons in preſenting theſe Reaſons to the King, and choſe two of their Body to go with a fit Number of the Commons, for that Purpoſe. The Bill for preſſing of Soldiers paſſed the Houſe of Lords this Day; and the giving the Royal Aſſent to it was made a Part of the aboveſaid Meſſage.

The ſame Day Mr. Speaker read a Letter from his Majeſty, incloſing this Meſſage:

The King complains of a Paſſage in Mr. *Pymme*'s Speech.

HIS Majeſty taking Notice of a Speech, pretending, in the Title, to have been delivered by Mr. Pymme, *at a Conference, and printed by Order of the Houſe of Commons; in which it was affirmed,* That ſince the Stop upon the Ports againſt all *Irish* Papiſts, by both Houſes, many of the chief Commanders, now in the Head of the Rebels, have been ſuffer'd to paſs by his Majeſty's immediate Warrant; *and being very certain of having uſed extreme Caution in the granting of Paſſports into* Ireland; *ſo that he conceives either this Paper not to have been ſo delivered and printed as it pretends, or this Houſe to have received ſome Miſinformation: His Majeſty would be reſolved, whether this Speech were ſo delivered and printed; and, if it were, would have this Houſe to review, upon what Informations that Particular was grounded; that either That may be found, upon Examination, to have been falſe, and both this Houſe and his Majeſty injured by it; or that his Majeſty may know by what Means, and by whoſe Fault, his Authority hath been ſo highly abuſed, as to be made to conduce to the Aſſiſtance of that Rebellion, which he ſo much deteſts and abhors; and that he may ſee himſelf fully vindicated from all Reflections of the leaſt Suſpicion of that Kind.*

Hereupon a Committee was appointed to conſider of the King's Meſſage, alſo of the Informations given to the Houſe touching this Buſineſs, and what was fit to be done thereupon.

Feb.

Feb. 9. The Commons sent to the Lords an Ordinance concerning the Militia, which had passed their House with Amendments. But some Objections arising, Whether the Words, *shall answer their Contempt to the Lords and Commons*, did not give a Part of Judicature to the Lower House, it was thought fit to add to 'the Lords and Commons' *in a Parliamentary Way*; which was agreed to. An. 17. Car. I. 1641. February.

Then the whole was read in these Words:

An Ordinance concerning the Militia.

'WHereas there has been, of late, a most dangerous and desperate Design upon the 'House of Commons, which we have just Cause 'to believe to be an Effect of the bloody Counsels 'of Papists and other ill-affected Persons, who 'have already raised a Rebellion in the Kingdom 'of *Ireland*: And by reason of many Discoveries, 'we cannot but fear they will proceed, not only to 'stir up the like Rebellion and Insurrections in this 'Kingdom of *England*, but also to back them with 'Forces from abroad:

'For the Safety, therefore, of his Majesty's Person, the Parliament and Kingdom, in this Time 'of imminent Danger;

'It is ordained by the King, Lords and Commons now in Parliament assembled, that 'shall have Power to assemble and call together all 'and singular his Majesty's Subjects within the 'County of , as well within Liberties 'as without, that are meet and fit for the Wars, 'and them to train, exercise, and put in Readiness, 'and them, after their Abilities and Faculties, well 'and sufficiently, from Time to Time, to cause to 'be arrayed and weaponed, and to take the Muster 'of them in Places most fit for that Purpose.

'And shall have Power and Authority, within the said County, to nominate and 'appoint such Persons of Quality, as to him shall 'seem meet, to be his Deputy-Lieutenants, to be 'approved of by both Houses of Parliament. And 'that any one or more of the said Deputies, so assigned and approved of, shall, in the Absence, or

'by

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'by the Command of the ſaid , have 'Power and Authority to do and execute within 'the County of all ſuch Powers and 'Authorities as before in this preſent Ordinance 'contained. And ſhall have Power to make Co-'lonels and Captains, and other Officers, and to re-'move out of their Places, and make others, from 'Time to Time, as he ſhall think fit for that Pur-'poſe. And his Deputies, Colonels, and 'Captains, and other Officers, ſhall have further 'Power and Authority to lead, conduct, and em-'ploy the Perſons aforeſaid arrayed and weaponed, 'as well within the County of , as 'within any other Part of this Realm of *England*, 'or Dominion of *Wales*, for the Suppreſſion of all 'Rebellions, Inſurrections, and Invations, that 'may happen, according as they, from Time to 'Time, ſhall receive Directions by his Majeſty's 'Authority ſignified unto them by the Lords and 'Commons aſſembled in Parliament.

'And it is further ordained, That ſuch Perſons 'as ſhall not obey in any of the Premiſes, ſhall an-'ſwer their Neglect and Contempt to the Lords 'and Commons in a Parliamentary Way, and not 'otherwiſe, nor elſewhere: And that every the 'Powers granted, as aforeſaid, ſhall continue, un-'till it ſhall be otherwiſe ordered or declared by 'both Houſes of Parliament, and no longer.

'This alſo to go to the Dominion of *Wales*.'

JOHN BROWN, *Cler. Parl.*

The Commons next proceeded to nominate Perſons to be, by them, recommended to the King, as fit to be intruſted with the Militia of the Kingdom; wherein they deſir'd the Lords Concurrence, which was granted. Sir *John Conyers* was, again, recommended to the King, from both Houſes, as Lieutenant of the *Tower*.

The Nomination of the Lieutenants of the ſeveral Counties, in *England* and *Wales*, employed the Commons three ſeveral Days. The following Liſt of them, extracted from their *Journals*, will ſhew who were

were at this Time the Favourites of that Houſe, and alſo ſerve to illuſtrate many Paſſages in the Sequel. An. 17. Car. I. 1641. February.

COUNTIES *in* ENGLAND.

Names of the Perſons recommended to be Lieutenants of Counties.

Berkſhire,	Earl of *Holland*.
Bedfordſhire,	Earl of *Bolingbroke*.
Buckinghamſhire,	Lord *Paget*.
Cambridgeſhire and the Iſle of *Ely*,	Lord *North*.
Cheſhire and the County and City of *Cheſter*	Lord *Strange*.
Cornwall,	Lord *Roberts*.
Cumberland,	Lord *Grey de Werk*.
Derbyſhire,	Earl of *Rutland*.
Devonſhire, and the County and City of *Exeter*,	Earl of *Bedford*.
Dorſetſhire, and the County of the Town of *Poole*,	Earl of *Saliſbury*.
Iſle of *Purbeck*, in the County of *Dorſet*,	Sir *John Banks*, Knight, Lord Chief Juſtice of the Common Pleas, and Conſtable of *Corfe* Caſtle.
Durham,	Sir *Henry Vane*, ſen.
Eſſex,	Earl of *Warwick*.
Glouceſterſhire, and the County and City of *Glouceſter*,	Lord *Chandois*.
Hampſhire, and the Town and County of *Southampton* and Iſle of *Wight*,	Earl of *Pembroke*.
Hertfordſhire,	Earl of *Saliſbury*.
Herefordſhire,	Lord *Dacres*.
Huntingdonſhire,	Lord *Mandeville*.
Kent, and the City and County of *Canterbury*,	Earl of *Leiceſter*.
Lancaſhire,	Lord *Wharton*.
Leiceſterſhire,	Earl of *Stamford*.

Lin-

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Lincolnſhire; the Parts of *Keſtaven* and *Holland*, and County of the City of *Lincoln*;	Earl of *Lincoln.*
And for the Parts of *Lindſey*,	Lord *Willoughby de Parham.*
Middleſex,	Earl of *Holland*,
Monmouthſhire,	Lord *Philip Herbert.*
Northamptonſhire,	Lord *Spencer.*
Nottinghamſhire, and the Town and County of *Nottingham*,	Earl of *Clare.*
Northumberland, the Town and County of *Newcaſtle*, and the Town of *Berwick*,	Earl of *Northumberland.*
Norfolk, and the County and City of *Norwich*,	Earl of *Warwick.*
Oxfordſhire,	Lord Viſc. *Say and Sele.*
Rutlandſhire,	Earl of *Exeter.*
Salop,	Ld *Littleton*, Lord Keeper
Somerſetſhire,	Marquis of *Hertford.*
The County and City of *Briſtol*,	Mr. *Denzil Holles.*
Staffordſhire, and the County of the City of *Lichfield*,	Earl of *Eſſex.*
Suffolk,	Earl of *Suffolk.*
Surrey,	Earl of *Nottingham.*
Suſſex,	Earl of *Northumberland.*
Warwickſhire, and the County of the City of *Coventry*,	Lord *Brooke.*
Weſtmoreland,	Earl of *Cumberland.*
Wiltſhire,	Earl of *Pembroke.*
Worceſterſhire, and the County of the City of *Worceſter*,	Lord *Howard* of *Eſcrick.*
Yorkſhire, the Counties of the City of *York*, and of the Town of *Kingſton* upon *Hull*.	Earl of *Eſſex.*

COUN-

COUNTIES *in* WALES.

An. 17. Car I. 1641. Feoruary.

Isle of *Anglesey*,	Earl of *Northumberland.*
Brecon,	Lord *Philip Herbert.*
Cardigan,	Earl of *Carbery.*
Caermarthen, and the Town of *Caermarthen*,	Ditto.
Caernarvon,	Earl of *Pembroke.*
Denbigh,	Lord *Fielding.*
Flint,	Ditto.
Glamorgan,	Lord *Philip Herbert.*
Montgomery,	Earl of *Essex.*
Merioneth,	Earl of *Pembroke.*
Pembrokeshire, and the Town of *Haverford-West*,	Earl of *Northumberland.*
Radnor,	Ld *Littleton*, Lord Keeper

The same Day, *Feb.* 9, Sir *William Lewis* reported, from the Committee appointed to consider the King's Message relating to Mr. *Pymme*'s Speech, the following Answer; which was read, and, upon the Question, assented to by the House, and was as follows:

The Commons Answer to the King's Message concerning Mr. *Pymme*'s Speech.

'YOUR Majesty's most loyal and faithful Subjects, the Commons now assembled in Parliament, have taken into their serious Consideration the Message received from your Majesty, the seventh of this Instant *February*; and do acknowledge, that the Speech therein mentioned to be delivered by Mr. *Pymme*, at a Conference, was printed by their Order; and that what was therein delivered, was agreeable to the Sense of the House: And, touching that Passage, wherein it is affirm'd, *That since the Stop upon the Ports against all Irish Papists, by both Houses, many of the chief Commanders, now in the Head of the Rebels, have been suffered to pass, by your Majesty's immediate Warrant*, they present your Majesty with this their humble Answer:

'That

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'That they have received divers Advertiſements, 'concerning ſeveral Perſons, *Iriſh* and other Papiſts, 'which have obtained your Majeſty's immediate 'Warrant for their paſſing into *Ireland*, ſince the 'Order of Reſtraint of both Houſes; ſome of 'which, as they have been inform'd, ſince their 'coming into *Ireland*, have joined with the Rebels, 'and been Commanders amongſt them; and ſome 'others have been ſtayed, and are yet in ſafe Cuſto-'dy; particularly the Lord *Delvyn*, and four other 'Perſons in his Company, whereof one is thought 'to be a Prieſt; one Colonel *Butler*, Brother to the 'Lord *Montgarrat*, now in Rebellion, and Sir 'George *Hamilton*; all which are Papiſts; and one 'other, as is reported, being the Son of Lord *Net-'terville*, whoſe Father and Brother are both in 'Rebellion: The particular Names of others we 'have not yet receiv'd; but doubt not, upon Ex-'amination, they may be diſcovered.

'And your Majeſty's moſt faithful Subjects are 'very ſorry, that the extreme Caution which your 'Majeſty hath uſed, hath been ſo ill ſeconded with 'the Diligence and Faithfulneſs of your Miniſters; 'and that your Royal Authority ſhould be ſo highly 'abuſed; although, as it was expreſs'd in that 'Speech by Mr. *Pymme*, we believe it was by the 'Procurement of ſome evil Inſtruments, too near 'your Royal Perſon, without your Majeſty's 'Knowledge and Intention: And we beſeech your 'Majeſty to take ſuch Courſe, that not only your 'Honour may be vindicated for the Time paſt, but 'your Kingdom may be ſecured from the like Miſ-'chief for the Time to come.'

Mr. Chancellor of the Exchequer [r], Mr. *Carew*, Sir *Dudley North*, and Mr. *Strangeways*, were appointed to attend his Majeſty with this Anſwer the next Day.

Fe-

[r] Sir *John Colepeper*, ſo appointed about this Time, when Lord *Falkland* was made Secretary of State.——The Reaſons for their Promotion are, very particularly, mentioned by Lord *Clarendon*, Vol. I. 8vo. p. 340.

Feb. 10. The King's Answer to the last Message from the Parliament, about giving the Royal Assent to the two Bills, was reported to the Lords, *That one of them being of so great Weight, and the other not having as yet been seen, either by his Majesty or his Council, he will take yet some further Time; and is resolved to return as speedy an Answer as the Importance of the Business will permit.* An. 17. Car. I. 1641. February.

Several more Petitions from Counties, to the same Purpose as those before given, were presented and read; amongst which there was a short one from the Gentry, Ministry, and Commonalty of *Cleveland*, in the County of *York*, so particular in its Style, as to deserve our Notice.

To the Rt. Hon. the LORDS and COMMONS of the House of Parliament.

WHereas we know no other Means, under God, to divert the just Judgments which he hath executed against the Church of the Laodiceans, *for their Lukewarmness in Religion; or against the Church of* Thyatira, *for keeping Seducers; nor to prevent our imminent Dangers, but by a most necessary and speedy executing of the Laws of God and the King: We do therefore desire to certify, that we are resolved to live and die in the Faith of the Protestant Religion, knowing no other Means of Salvation; and that we will defend it with our Lives and Goods: Which that we may, with our Abilities, be encouraged in performing, we humbly, above all Things, desire that we may be secured; a happy Reformation afforded; and the Laws of God and the King, without Favour or Delay, justly put in Execution against Papists.* Petition from the Inhabitants of *Cleveland*.

And your Petitioners, *&c.*

This Petition is said, in the *Lords Journals*, to be subscribed by several hundred Hands.

Feb. 11. The King's Answer to the Desires of both Houses, about the Lieutenancy of the *Tower*, was reported to the Lords, which was to this Effect: *Al-*

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ALthough his Majesty thinks himself not obliged to give an Answer, in any Particular, concerning the Forts and Militia of the Kingdom, until he shall know the Extent of the Power and Time, and to whom they shall be disposed of; yet, to shew his real Intention to satisfy the Fears of his People, he is content to accept of Sir John Conyers, *in the Place of Sir* John Byron, *to be Lieutenant of the* Tower; *having already, at his earnest Desire, received the Surrender of the said Place from him.*

The King consents to the Removal of Sir *John Byron.*

This Answer was immediately ordered to be sent down to the Commons.

Feb. 12. Nothing material done in the Upper House, as this Day, except reading another Petition from the County of *Warwick*, against the Bishops Votes in Parliament, *&c.* Adjourned to

Feb. 14. The Lord-Keeper acquainted the Lords, That he had received a Commission from the King, to give the Royal Assent to two Bills; one for levying of Soldiers, and the other for taking away the Bishops Votes and Seats in that House; and likewise that he had received a Message from his Majesty, which was to be read after the Bills were passed. He then addressed himself to the Lords as follows: [a]

My Lords,

The Lord-Keeper's Speech at giving the Royal Assent to two Bills, for levying Soldiers, and taking away the Bishops Votes.

HIS Majesty being very willing to give full Satisfaction to all the just Desires of his Subjects, especially when they are transmitted to him by the Representative Body of the Kingdom, the Lords and Commons assembled in the High Court of Parliament, his great and general Council, hath therefore taken into his serious Consideration two Bills of great Importance, which were lately passed by the Votes of both Houses; the one *For im-*

[a] This Speech of the Lord-Keeper's is copied from the *Lords Journals*: It is also printed in a single Pamphlet of this Time, but ill taken, and very imperfect.

impreſſing and raiſing of Soldiers for the preſent Expedition into Ireland, *to aid and relieve the poor diſtreſſed Proteſtants*, who are there daily and barbarouſly butchered and maſſacred by the over-prevailing Party of the bloody Papiſts; a Thing taken much to Heart by the King and all other good Men. In which Bill there is contain'd a Clauſe, tending much to the Security of the Perſons of the Subjects of this Kingdom, in declaring, That, by Law, no Man ought to be impreſs'd nor otherwiſe compelled to go out of his Country, to ſerve as a Soldier, without his own particular Aſſent; or by common Conſent of Parliament, wherein he is involv'd; unleſs it be upon Neceſſity of the ſudden Coming of ſtrange Enemies into the Land, as, heretofore, it was ordained by a Statute made in the firſt Year of the Reign of the noble King *Edward* III. or that he be thereunto obliged by Tenure; the contrary whereof hath been practiſed for many Ages *viâ Facti*. An. 17. Car. I. 1641. February.

'The ſecond Bill, much wiſhed and earneſtly inſiſted on, is, *For taking away the Votes of Biſhops out of the Lords Houſe, and exempting them from the Trouble of other Secular Affairs*; that ſo, being reduced to their firſt and original Inſtitution, they may the better attend the gaining of Souls to Heaven, by their frequent Preaching and other divine Offices proper to their Function; a Work much more excellent than their mingling in Temporal Buſineſſes. But in regard his Majeſty cannot, with Conveniency, be preſent to give the Royal Aſſent to theſe two Bills in Perſon, he hath done it by Commiſſion; which your Lordſhips and the Gentlemen of the Houſe of Commons may be pleaſed to hear read to your great Satisfaction, and Content of the People in general.'

This being ended, with the Ceremony of paſſing the two Bills, the King's Meſſage, dated at *Canterbury*, *February* 13, where he went to ſet the Queen on her Journey to *Holland*, was read to both Houſes in theſe Words;

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February.

His Majesty's Message upon that Occasion.

THough his Majesty is assured, that his having so suddenly passed these two Bills, being of so great Importance, and so earnestly desired by both Houses, will serve to assure his Parliament, that he desires nothing more than the Satisfaction of his Kingdom; yet that he may further manifest to both Houses how impatient he is, till he find out a full Remedy to compose the present Distempers, he is pleased to signify,

That his Majesty will, by Proclamation, require that all Statutes made concerning Recusants be, with all Care, Diligence, and Severity, put in Execution:

That his Majesty is resolved, that the seven condemned Priests shall be immediately banished, if his Parliament shall consent thereunto: And his Majesty will give present Order, if it shall be held fit by both Houses, that a Proclamation issue to require all Romish Priests, within twenty Days, to depart the Kingdom; and if any shall be apprehended after that Time, his Majesty assures both Houses, on the Word of a King, that he will grant no Pardon to any such, without Consent of his Parliament.

And because his Majesty observes great and different Troubles to arise in the Hearts of his People concerning the Government and Liturgy of the Church, his Majesty is willing to declare, That he will refer that whole Consideration to the Wisdom of his Parliament; which he desires them to enter into speedily, that the present Distractions about the same may be composed: But desires not to be pressed to any single Act on his Part, till the whole be so digested and settled by both Houses, that his Majesty may clearly see what is fit to be left, as well as what is fit to be taken away.

For Ireland, *in behalf of which his Majesty's Heart bleeds, as his Majesty hath concurred with all Propositions made for that Service by his Parliament, so he is resolved to leave nothing undone for their Relief which shall fall within his possible Power; nor will refuse to venture his own Royal Person in that War, if his Parliament shall think it convenient, for the Reduction of that miserable Kingdom.*

And, lastly, *his Majesty taking Notice, by several Petitions, of the great and general Decay of Trade in*

in this Kingdom, and more particularly of that of Cloathing and new Draperies, concerning which he received lately, at Greenwich, *a modeſt, but earneſt, Petition from the Clothiers of* Suffolk; *of which Decay of Trade his Majeſty hath a deep Senſe, both in reſpect of the extream Want and Poverty it hath brought, and muſt bring, upon many thouſands of his loving Subjects; and of the Influence it muſt have, in a very ſhort Time, upon the very Subſiſtence of this Nation; doth earneſtly recommend the Conſideration of that great and weighty Buſineſs to both Houſes; promiſing them that he will, moſt readily, concur in any Reſolution their Wiſdoms ſhall find out, which may conduce to ſo neceſſary a Work.*

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The Houſe of Commons being withdrawn, it was moved That the King might receive Thanks and Acknowledgments for his Grace and Goodneſs in paſſing the two Bills, and likewiſe for his Meſſage; and a Committee was appointed to draw up a Form to that Purpoſe. Which being done, was read to the Houſe as follows:

For which both Houſes return Thanks.

'The Lords and Commons aſſembled in Parliament do with much Joy receive, and with much Thankfulneſs acknowledge, your Majeſty's Grace and Favour in giving your Royal Aſſent to a Bill, intitled, *An Act for diſabling all Perſons in Holy Orders to exerciſe any Temporal Juriſdiction or Authority*; and alſo your Majeſty's Care for *Ireland*, expreſſed in the Diſpatch of the *Bill for Preſſing*, ſo much importing the Safety of that and this Kingdom; and they do, with the like Thankfulneſs, acknowledge your Majeſty's gracious Favours, expreſſed in the Meſſage to both Houſes, that your Majeſty will not grant any Pardon to any *Romiſh* Prieſt without Conſent of Parliament.'

This, being agreed to by the Lords, was ſent down to the Commons, for their Approbation, which they gave to it; but deſired that the Ordinance of Parliament, touching the Militia, might be preſented at the ſame Time. The Lords demurred

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murred to this; and ordered, That they ſhould be preſented ſeparately.

The ſame Day, the Commons ſent up an Impeachment againſt Sir *Edward Herbert*, the King's Attorney-General, for High Crimes and Miſdemeanors; which was read in the Houſe of Lords *in hæc Verba:*

The Commons Impeachment againſt the Attorney-General.

'THAT the ſaid Sir *Edward Herbert*, Knt. his Majeſty's Attorney-General ſworn, on the third Day of *January*, in the Year of our Lord 1641, contrary to his Oath, and the Duty of his Place, did falſly, ſcandalouſly, and maliciouſly, adviſe, [*contrive*] frame, and publiſh certain falſe, ſcandalous, [*and malicious*] Articles of High Treaſon againſt the Lord *Kimbolton*, one of the Members of the Houſe of Peers in Parliament, *Denzil Holles*, Eſq; Sir *Arthur Haſelrigge*, Bart. *John Pymme*, *John Hampden*, and *William Strode*, Eſq^rs. being then, and yet, Members of the Houſe of Commons in Parliament, which Articles follow in theſe Words:

Here the Articles are recited, which we have before given at p. 157.

'And the ſaid Sir *Edward Herbert*, the ſaid third Day of *January*, did falſly, unlawfully, and maliciouſly, exhibit the ſaid Articles into the Houſe of Peers in Parliament, and cauſed the ſame to be entered into the Clerk's Book of the ſaid Houſe; intending and endeavouring thereby, falſly, unlawfully, and maliciouſly, to deprive the ſaid Houſes of their ſaid ſeveral Members, and to take away their Lives, Eſtates, and good Names.

'All which Doings of the ſaid Attorney, and every of them, were, and are, high Breaches of the Privileges of Parliament, tending to Sedition, and to the utter Subverſion of the Fundamental Rights and Being of Parliaments, the Liberty of the Subject, and to the great Scandal and Diſhonour of his Majeſty [*and his Government*; *and were*

were, and are, contrary to the Oath of the said Attorney-General, and to the great Truſt repoſed in him by his Majeſty; and contrary to the Laws of this Realm; and a great Derogation to his Majeſty's Royal Crown and Dignity.] An. 17. Car. I. 1641. February.

'For which high Crimes and Miſdemeanors the 'ſaid Commons, ſaving to themſelves the Liberty 'of exhibiting any further or other Impeachment, 'or Accuſation, againſt the ſaid Sir *Edward Her-* '*bert*, do impeach him; and do pray that he may 'be forthwith put to anſwer the Premiſes in the 'Preſence of the Commons; [*and that his Perſon* '*may be ſecured*].'[r]

Hereupon the Attorney-General was ſent for, and ſtanding in his Place, as Aſſiſtant, the Charge was read to him, who anſwered, That he humbly deſired to have a Copy of the Impeachment, and ſuch Time allowed as their Lordſhips do, in Juſtice, give to others. The Lords gave him eight Days to bring in his Anſwer; and the Earl of *Monmouth* offering himſelf as Bail for his Appearance, he was bound in 5000*l.* Bond for it.

The next Day having been appointed for the Trial of the Biſhops, another Meſſage came up from the Commons, That, in regard of the many great and important Occaſions now depending before them, they deſire the Trial might be put off till *Friday* come Se'nnight, and that they would then deſire no further Time. The Lords agreed to this; but ordered, That, in regard the Biſhops had been ſo many Times put off, from Day to Day, from Trial, and that many of them were aged Men, they ſhould be bailed; provided they found ſuch Security as the Houſe ſhould approve of, for their Appearance on the ſaid Day, which was to be peremptory on all Sides. The Trial of the twelve Biſhops put off again.

A Packet of Letters from Lord *Digby* being intercepted, directed to Secretary *Nicholas*, was ordered

[r] The Paſſages printed in *Italic* are omitted in *Ruſhworth*.

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dered to be opened; but one of them being directed to the Queen, the Lords disputed the Opening of it, and sent to know the Opinion of the House of Commons about it. They returned for Answer, That they had voted it should be opened, on which the Lords, conceiving this Affair to be a Thing of great Consequence, desired a Conference; the Report of which was, 'That the Commons said, They saw no Reason to alter their Vote, 1. Because it concerned the Safety of the Kingdom; for, by this Means, the evil Spirit and Counsels of the Lord *Digby* might be discover'd and prevented. 2. If this Letter should be delivered to the Queen unopened, the Parliament would be put to a deal of Trouble to discover what is presented to her Majesty in these Letters. 3. Since, of late, they had very good Reason to suspect the Lord *Digby* as an ill Instrument, they conceived they ought not to lose so happy an Occasion offered to do the State Service; which, if neglected, they should not be able to answer.' On this a great Debate arose in the Lords, but, at last, it was ordered, That the Letter should be opened.

Lord *Digby*'s Letters to the Queen, &c. intercepted.

Several Matters happened in Parliament, during this Time, about the Magazine at *Hull*; which we purposely omit till we come to the Catastrophe of that Business.

The Lords admit the Bishops to Bail.

Feb. 15. This Day the twelve Bishops appeared at the Bar of the House of Lords, and were all bailed; their Sureties answering, Body for Body, for their Appearance. Nothing else, of Moment, transacted in the House of Lords: But, in the Commons, a great many extraordinary Resolutions of a Committee, appointed to consider how evil Counsellors might be found out and removed from the King, were read, for the Concurrence of the whole House, *viz.*

Resolutions of the Commons concerning evil Counsellors, &c.

Resolved, upon the Question, 'That all Privy-Counsellors and great Officers of State may be removed, for the present, excepting such as have Offices by Inheritance.'

Re-

Reſolved, 'That his Majeſty ſhall be humbly deſired, that he will be pleaſed to receive only ſuch, to be Counſellors and great Officers of State, as ſhall be recommended unto him by the humble Advice of both Houſes of Parliament.' An. 17. Car. I. 1641. February.

Reſolved, 'That ſuch of the ſaid Counſellors and great Officers, whoſe Names ſhall be preſented by both Houſes, ſhall not have Acceſs to the Perſons or Courts of the King and Queen's Majeſty.'

Reſolved, 'That Mr. *William Murray*, of the Bed Chamber, is thought fit to be removed from the Perſons and Courts of the King and Queen, as one that is conceived to give dangerous Counſel.'

In like Manner, Mr. *Endymion Porter*, the Lord *Digby*, Mr. *William Crofts*, and Sir *John Wintour* Secretary to the Queen, were excepted againſt; but when Mr. *Porter*'s Exception, being a Member of that Houſe, was put to the Queſtion, it was carried againſt him, by only 110 againſt 107.

Feb. 16. The Ordinance concerning the Militia being, at laſt, compleated by the two Houſes, it was this Day read and agreed to by the Lords; and ordered to be preſented to the King by the Earl of *Stamford* and Lord *Grey*. The Lords paſs the Ordinance for the Militia,

Lord *Clarendon* obſerves upon this Occaſion, 'That when this Bill had been, with much ado, accepted, and firſt read, there were few Men who imagined it would ever receive farther Countenance: But now there were few, who did not believe it to be a very neceſſary Proviſion for the Peace and Safety of the Kingdom; ſo great an Impreſſion had the late Proceedings made upon them.' [s]

A Meſſage was brought from the Commons by Mr. *Holles*, importing, 'That they underſtood their Lordſhips had bailed the twelve Biſhops impeach'd by them of High Treaſon; but that They had voted they ought not to be bailed; and therefore deſired their Lordſhips to remand them back to the Place where they were; which the Lords did accordingly. And re-commit the Biſhops at the Commons Deſire.

[s] *Hiſtory of the Rebellion*, Vol. I. 8*vo*. p. 388.

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cordingly: But, at the same Time, sent to let the Commons know, that they had ordered the Trial to be on *Saturday* next, the 19th Instant; which was agreed to by the Commons.

Feb. 17. The King's Answer to the Parliament's Address of Thanks was reported to the Lords; which was only this, *Well, I pray you take* Ireland *Really, into your Care; and let your Thanks be expressed in that, and I shall thank you.*

A Message came, also, from the King, this Day, to the Lords, which was read in these Words:

The Queen's Message concerning Lord *Digby*'s Letter to her.

His Majesty, at the earnest Desire of his Consort, the Queen, hath thought fit to acquaint the Parliament, That she understanding a Letter, addressed to herself, had been opened by them, and remains in their Custody, desired that a Transcript of it might be speedily sent her; and declares, That if the Parliament should desire to be further satisfied from her, of any Particulars mentioned in that Letter, or any Circumstances concerning the same, so far forth as may any ways relate unto or reflect upon her Person, or any whatsoever concerning her, she is ready and very willing to give them due Satisfaction therein. A Copy of this Message was dispatched to the Commons; but, this not contenting that House, they desired to see the Original Message, which was sent them.

The Commons prepared another Petition to the King, about their five Members, which they sent up to the Lords for their Concurrence, who joined with them in it, and ordered it to be presented by two of their House and a proportionable Number of the Commons. This Petition was as follows:

To the KING's Most Excellent Majesty,

The HUMBLE PETITION of the LORDS and COMMONS now assembled in Parliament,

Sheweth,

Another Petition relating to the Accused Members.

THAT whereas your Majesty, in Answer to their late Petition touching the Proceedings against the Lord Kimbolton, *Mr.* Holles, *Sir* Arthur Hasel-

rigge,

rigge, *Mr.* Pymme, *Mr.* Hampden, *and Mr.* Strode, *Members of the Parliament, was pleased to signify, That as your Majesty once conceived that you had Ground enough to accuse them, so now your Majesty finds as good Cause, wholly, to defer any further Prosecution of them: Notwithstanding which, they remain still under that heavy Charge so imputed unto them, to the exceeding Prejudice not only of themselves, but also of the whole Parliament. And whereas, by the express Laws and Statutes of this your Realm, that is to say, by two Acts of Parliament, the one made in the 37th, and the other in the 38th Year of the Reign of your most noble Progenitor King* Edw. III. *If any Person whatsoever make Suggestion to the King himself of any Crime committed by another, the same Person ought to be sent, with the Suggestion, before the Chancellor or Keeper of the Great Seal, the Treasurer, and the Great Council, there to find Surety to pursue his Suggestion; which if he cannot prove, he is to be imprisoned till he hath satisfied the Party accused of his Damages and Slander, and made Fine and Ransom to the King: The said Lords and Commons, therefore, humbly beseech your Majesty, that, not only in Point of Justice to the said Members in their Particular, but for the Vindication of the Rights and Privileges of Parliament, your Majesty will be pleased to send the Person, or Persons, that in this Case made the Suggestions or Informations to your Majesty against the said Members of Parliament, together with the said Suggestions or Informations, to your Parliament; that so such Fruit of the said good Laws may be had as was intended by them, and the Rights and Privileges of Parliament may be vindicated; which, of Right and Justice, ought not to be delayed.*

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Feb. 18. Some Propositions were made to both Houses, by some Adventurers, for the speedy Reduction of *Ireland*, by settling on them the Lands, there belonging to the Rebels, in case they succeeded. These were approved on by Parliament, and afterwards confirmed by the King.——But, as

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as these Propositions may be found at large in *Rushworth*'s and *Husbands*'s *Collections*, we think them unnecessary here. [d]

Feb. 19. The Commons sent up Mr. *Pymme* with an Answer to the King's last Message about the Lord *Digby*'s Letters, with the Copies of them, and desired their Lordships Concurrence in it: It was to this Effect: [e]

Most Gracious Sovereign,

The Answer of both Houses to the Queen's late Message.

'YOUR Majesty's most loyal and faithful Subjects, the Lords and Commons in Parliament, have received your Message of the 17th Instant, sent at the Instance of the Queen; and, upon Consideration thereof, we find, to our great Joy and Content, clear Expressions of Grace and Favour from both your Majesties, for which we return you our most humble Thanks; and have herewithall sent the Transcript of that Letter required by your Majesty, as, likewise, of two other Letters directed to Mr. Secretary *Nicholas* and Sir *Lewis Dives*; all which were brought to us, under one Cover, directed to Mr. Secretary, with Information that they were written by the Lord *Digby*; who being a Person fled from the Justice of Parliament, and one who had given many Evidences of his Disaffection to it, we conceived it necessary to open the two latter; and finding sundry Expressions in them full of Asperity and Malignity to the Parliament, we thought it very probable the like might be contained in the Letter to her Majesty; and that it would be dishonourable for her, and dangerous to the Kingdom, if it should not be opened; wherein we were no whit deceived, as your Majesty may well perceive by the Contents of it.

'And altho' we cannot but be very sensible of the great Dishonour therein done to your Majesties, and

[d] See *Rushworth*, Vol. IV. p. 556, &c. *Husbands*, 4to Edit. p. 84.

[e] These Letters are in *Rushworth*'s *Collections*, Vol. IV. p. 554.

'and the malicious Endeavours of fomenting and 'increasing the Jealousies betwixt your Majesty and 'your People; yet we are far from reflecting any 'Thing on the Queen, or expecting any Satisfac- 'tion from her Majesty, but impute all to the bold 'and invenom'd Spirit of the Man. Only we most 'earnestly beseech your Majesty to persuade the 'Queen, That she will not vouchsafe any Coun- 'tenance to, or Correspondence with, the Lord '*Digby*, or any other of the Fugitives or Traitors; 'whose Offences, now, depend under the Exami- 'nation and Judgment of Parliament; which, we 'assure ourselves, will be very effectual to further 'the Removal of all Jealousies and Discontents 'betwixt your Majesty and your People, and the 'Settling of the great Affairs of your Majesty and 'the Kingdom in an assured State and Condition 'of Honour, Safety, and Prosperity.'

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The Lords agreed to this Message, and ordered it to be presented to the King.

The Trial of the twelve impeached Bishops begun.

This being the Day, last appointed, for the Trial of the twelve Bishops, they were brought to the Bar of the House of Lords, where the Managers for the Commons attended. The Lord-Keeper told those Gentlemen they might now proceed against them; whereupon Mr. *Glynne* desir'd the Impeachment might be read; which being done, the Answer, or Plea, of the Bishops was also read; importing, That they were not guilty of the Treason charged against them. Then the Petition of the Bishops was read, on which the said Impeachment was grounded; after which Mr. *Glynne* proceeded to open the Charge; and first desir'd, That the Bishops might be ask'd, *Whether they did subscribe the Petition now read, and whether it was their Hand-Writing?* To this Question the Bishops refused to answer, because they alledged, 'That it was 'not charged in the Impeachment; neither were 'they bound to accuse themselves.' Another Question was then put to them, *Whether they consented not to the exhibiting and preferring of the Petition?*

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To this they said, 'That they would stand to their 'former Answer of *Not Guilty*.' Then Mr. *Glynne* desired, That the Bishops Answer which they made voluntarily, in the House, on the 30th of *December* last, might be read out of the *Journal Book*; which being done, all the Bishops, except the Archbishop of *York*, voluntarily confessed, That they subscribed the said Petition, and did own the Hand-Writing; but denied that they consented to the Preferring of it.

The Committee of the House of Commons then proceeded, and desir'd Leave to examine some Witnesses to prove the Falsity of the Bishops Petition, in styling it, *The Petition of all the Bishops and Prelates now called by his Majesty's Writ to attend in Parliament, and present about* London *and* Westminster. Likewise to prove, that several Bishops did never give their Consents to the said Petition, or ever absented themselves from Parliament, on any Occasion, or Reason of Fear or Menace; and that some of the Petitioners, *viz.* the Bishops of *Gloucester* and *Bath* and *Wells*, sat in the House of Lords the 28th of *December* last.

To prove this the Bishop of *Salisbury* was sworn, who said, 'That he was present about *London* and *Westminster*, at the Time when the other Bishops presented their Petition to the King and Parliament: That he was not absent from Parliament on any other Occasion than his Attendance on the Prince, and not out of any Force or Menace: Neither did he hear or know of that Petition, before it was brought into the House of Peers, or ever consented to it before it was preferr'd, or since.'

Next, the Bishop of *Winchester*, upon Oath, deposed, 'That, ever since the last Recess, he had been resident in and about *London* and *Westminster*, and attending the Parliament: That he was sent for to come to the Archbishop of *York* the Day after the great Tumult, at the Dean of *Westminster*'s House, where were several other Bishops present; the said Archbishop then said, That they had been affronted, and shewed a Draught of a Petition, and read

read it to them. Some speaking of Amendments to it, the Archbishop said, *It was hastily done, and might be made better*, or Words to that Effect: That then the Archbishop left them, and, it being late, he went home himself. Afterwards he heard no more of this Matter, untill, being in the Parliament House, he saw a Petition there under the twelve Bishops Hands; and thinks that it was, in Effect, agreeable with the aforesaid Draught, altho', he said, there had been some Alterations made therein. An. 17. Car. I. 1641. February.

'He further said, That he never gave any Consent to the Delivery of the said Petition to the King, or to the Lords in Parliament. Also, that on the 29th of *December* last, he, being coming to the Parliament by Water, met the Earl of *Newport*, between the Landing-place at the Parliament Stairs and the Parliament House; who ask'd him whither he was going, and told him there were none of his Brethren, the Bishops, in the House; and thereupon he turned back. He likewise said, That either on that Day, or some other about that Time, he doth not certainly know, he was coming in a Boat towards the Shore, to land at the Parliament Stairs; and seeing a Company of 'Prentices, and others, standing on the Shore, crying, *No Bishops*, some called out to him, and advised him not to land there; and thereupon he caused the Boat where he was to turn off, and carry him to *Lambeth*, where he sent for his Coach to carry him home.

He further said, That he never absented himself from Parliament, at any other Times, except upon private Occasions.'

Then the Bishop of *London* was sworn, who said, 'He had been resident in and about *London* and *Westminster* and at *Fulham*, ever since the last Recess of this Parliament: That, being at the latter Place the Day the twelve Bishops were committed to the *Tower*, he was told of it, and the Reason of their Commitments: That the next Day he came to the House of Lords, where he saw the Petition which the said Bishops had presented; but did never hear of it before: That the only Reason he came

not

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not to Parliament, was becauſe of the Froſt. *Laſtly*, That he never did conſent to the Delivery of the ſaid Petition to his Majeſty, nor to the Lords in Parliament.'

The Evidence for the Matter of Fact being given, Mr. *Glynne* deſired, That the Biſhops would make their ſeveral Anſwers to their Charge, if they had any Thing to ſay.

Hereupon, every Biſhop for himſelf, made his Anſwer to the Matter of Fact; the Effect whereof was, 'That, by reaſon of the great Concourſe of People and their Menaces, they were afraid to come to Parliament, which was the Cauſe of preferring the aforeſaid Petition and Proteſtation, to preſerve their Rights in Parliament; without any Intention to commit any treaſonable Act, or deſtroy the Fundamental Laws and Being of Parliaments, as is charged in the Impeachment againſt them.

To this Mr. *Glynne* replied, and made ſome Obſervations on ſome of the Proteſtations in the Petition, and obſerved the Circumſtances in the Body of the Petition, which he preſſed by way of Aggravation. 'Tis ſaid, adds he, in their Petition, they can find no Redreſs nor Protection, upon ſundry Complaints made to both Houſes; and they do proteſt againſt all Votes, Laws, Orders, Reſolutions, and Determinations, as in themſelves null and of none Effect, which in their Abſence, ſince the 27th of *December* laſt, have already paſt; as likewiſe againſt all ſuch as ſhall hereafter paſs in this Houſe, during the Time of their Abſence from it: Which Words, he ſaid, are an expreſs Denial of the King's Authority, in giving the Royal Aſſent in Parliament, becauſe the Biſhops were not preſent.—— That their Crime tended to the Subverſion and Undermining the Foundation and Power of Parliament. It deprives this Houſe of all Being, and makes its Body without Life or Motion, and to be leſs than a *Pie-Powder Court*, unleſs the Biſhops were preſent. It overthrows the Fundamental Laws of the Kingdom for the very ſame Reaſon, and is a Derogation of the Honour and the Privileges of Par-

Parliament; charging both Houſes with Denial to give them Redreſs upon Complaints made of the Particulars in the Petition; when, in Truth, no ſuch Complaints were ever made to Parliament. That the Biſhops, in their Petition, endeavoured to raiſe Sedition, and to fix an Impreſſion in the Hearts of the People, 'That the Parliament, at that Time, 'had no Power to act, or proceed in any Buſineſs 'to relieve them in their Grievances, without the 'Biſhops were preſent.' That when the Biſhops Petition, *&c.* was preferred, there was a great Rebellion in *Ireland*; and the Remedy to ſubdue that Kingdom to Obedience was Aids and Supplies, as the Wiſdom and Power of Parliament ſhould provide, which was well known to the Biſhops; therefore their Petition and Proteſtation was a direct Act to endeavour the Loſs of that Kingdom.—— *Laſtly*, That at the ſame Time when the Petition was preferred, there was a Bill depending in this Houſe to diſable the Biſhops from ſitting and voting in Parliament.'

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Mr. *Glynne* concluded with obſerving, 'That their evil Intentions might be diſcovered; *firſt*, By the many Falſities in their Petition and Proteſtation, which had been proved by Witneſſes; *next*, By the Time when theſe were preferred, it being the ſecond Day after a Vote had paſſed this Houſe, 'That 'this Parliament is a free Parliament;' therefore it was an Endeavour to make an Aſſault upon that Vote and annul it. And theſe, added he, were the Streams that flowed from this Fountain.'

After Mr. *Glynne* had done ſpeaking to Matter of Fact, the Biſhops deſired to be heard, by their Counſel, concerning the Matter of Law, in Point of Treaſon. But both Sides being commanded to withdraw, the Lords took this into Conſideration; and ordered, That the Trial of the twelve Biſhops ſhould be further proceeded in on the 24th of this Inſtant *February*, and all Perſons concerned then to attend.

Feb.

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Feb. 21. The Earl of *Stamford* reported to the Houſe the King's Anſwer to the laſt Meſſage from Parliament about the Militia; *That it being on a Buſineſs of the higheſt Importance, not only for the Kingdom in general, but alſo for his Majeſty's Regal Authority, he thinks it moſt neceſſary to take ſome Time for Adviſement thereupon; and therefore he cannot promiſe a poſitive Anſwer untill he ſhall return; which he intends to do as ſoon as he ſhall have put his deareſt Conſort, the Queen, and his dear Daughter, the Princeſs* Mary, *on board for their Tranſportation to* Holland.

The King defers giving an Anſwer concerning the Militia Bill;

This Anſwer being ſent down to the Commons, it was by no Means reliſhed in that Houſe; and the ſame Day they drew up another Petition to the King about this Matter; which being ſent to the Lords, it was by them agreed to, and ordered to be preſented by the Earl of *Portland* and two Commoners. This Petition was as follows:

At which the Parliament being diſguſted,

To the KING's Moſt Excellent Majeſty,

The HUMBLE PETITION of the LORDS and COMMONS, concerning their late Meſſage.

May it pleaſe your Moſt Excellent Majeſty,

YOUR humble and loyal Subjects, the Lords and Commons, have, with a great deal of Grief, received your Majeſty's Anſwer to their juſt and neceſſary Petition concerning the Militia of the Kingdom; which your Majeſty, by a gracious Meſſage formerly ſent unto them, was pleaſed to promiſe ſhould be put into ſuch Hands as your Parliament ſhall approve of, or recommend unto you; the Extent of their Power, and the Time of their Continuance, being likewiſe declared: That being done, and the Perſons by both Houſes nominated, your Majeſty, nevertheleſs, defers your Reſolution herein to a longer and very uncertain Time; which, the preſent Dangers and Diſtractions being ſo great and preſſing, is as unſatisfactory and deſtructive as an abſolute Denial:

They petition the King again.

There

Therefore, we once again beſeech your Majeſty to take our Deſire into your Royal Thoughts, and to give us ſuch an Anſwer as may raiſe in us a Confidence that we ſhall not be expoſed to the Practices of thoſe who thirſt after the Ruin of this Kingdom, and the kindling of that Combuſtion in England, *which they have, in ſo great a Meaſure, effected in* Ireland; *from whence, as we are daily inform'd, they intend and endeavour to invade us, with the Aſſiſtance of the Papiſts here amongſt us.* An. 17. Car. I. 1641. February.

Nothing can prevent theſe Evils, nor enable us to ſuppreſs the Rebellion in Ireland, *and ſecure ourſelves, but the inſtant Granting of that our humble Petition; which we hope your Majeſty will not deny to thoſe who muſt, in the Diſcharge of their Duties, both to your Majeſty and the Commonwealth, repreſent unto your Majeſty what they find ſo abſolutely neceſſary for the Preſervation of both; which the Laws both of God and Man enjoin them to ſee put in Execution, as ſeveral Counties, by their daily Petitions, have deſired of us, and, in ſome Places, begin already to do it of themſelves.*

Another Anſwer from the King, about the Lord *Kimbolton*, *&c.* was this Day alſo reported to the Houſe, and was much to the ſame Purport as the former.

Feb. 22. The Commons ſent up an Impeachment of High Treaſon againſt *George* Lord *Digby*, deſiring their Lordſhips to prefix ſome ſhort Time for him to come and appear, before which the Commons would be ready to come up to make good their Charge againſt him. Upon this the Lords ordered out a Proclamation, thro' *England* and *Wales*, for the Lord *Digby* to appear and anſwer to this Charge, within fifteen Days after Date, on Pain of Conviction.

This Day the Attorney-General delivered in his Anſwer to the Charge of the Commons againſt him,

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which was read before a Committee of that Houſe, in theſe Words:

The Attorney-General's Anſwer to the Impeachment againſt him.

'THE ſaid Defendant, ſaving to himſelf now, and at all Times hereafter, all juſt Exception to the ſaid Impeachment, as the ſame is charged, for Anſwer ſaith, and acknowledgeth, That he is, and the third Day of *January* laſt paſt was, his Majeſty's Attorney-General ſworn: But whereas he is charged with the malicious, falſe, and ſcandalous adviſing and contriving the Articles in the ſaid Impeachment mentioned, he ſaith, That he was and is ſo far from any Malice, Falſhood or Scandal, in the adviſing and contriving of the ſame, or any of them, that he did not at all adviſe or contrive the ſaid Articles, or any of them, nor ever knew or heard of them, or any of them, untill he received them from his Majeſty's Hands, the ſaid third Day of *January* laſt paſt, ready ingroſs'd in Paper.

'And as to that Part of the ſaid Impeachment, which chargeth this Defendant with the exhibiting of the ſaid Articles to this Honourable Houſe, he ſaith, That, upon the ſaid third Day of *January*, he repaired to his Majeſty by his Command, who then delivered unto this Defendant a Paper containing the Articles in the ſaid Impeachment mentioned, and did command him, in his Majeſty's Name, to acquaint this Honourable Houſe that divers great and treaſonable Deſigns and Practices, againſt his Majeſty and the State, were come to his Majeſty's Knowledge; for which his Majeſty commanded this Defendant, in his Majeſty's Name, to accuſe ſix Members, in the ſaid Paper mentioned, of High Treaſon, and other High Miſdemeanors, by delivering that Paper to your Lordſhips, and to deſire to have it read: And further to deſire, in his Majeſty's Name, that a ſelect Committee of Lords might be appointed to take the Examinations of ſuch Witneſſes as his Majeſty ſhould produce, as formerly had been done in Caſes of like Nature, according

cording to the Juſtice of this Houſe; and that Committee to be under a Command of Secreſy, as formerly; and further, in his Majeſty's Name, to aſk Liberty to add and alter, if there ſhould be Cauſe, according to Juſtice: And likewiſe that their Lordſhips would take Care of the ſecuring of the ſaid Perſons, as, in Juſtice, there ſhould be Cauſe. An. 17. Car. I. 1641. February.

'That, according to his Majeſty's ſaid Command, this Defendant did come to this Honourable Houſe, the ſaid third Day of *January*; and then, after the Rt. Hon. *Edward* Lord *Littleton*, Lord-Keeper of the Great Seal of *England*, had declared to this Honourable Houſe, that he was commanded by his Majeſty to let your Lordſhips know, that his Majeſty had given this Defendant Command to acquaint your Lordſhips with ſome Things from his Majeſty; this Defendant thereupon, the ſaid third Day of *January*, in this Honourable Houſe, before your Lordſhips then and there ſitting in Parliament, in Obedience to his Majeſty's ſaid Commands, as a Meſſage from him, did declare the aforeſaid Commands of his Majeſty; by acquainting your Lordſhips, that the King had commanded him to tell your Lordſhips, that divers great and treaſonable Deſigns and Practices, againſt him and the State, had come to his Majeſty's Knowledge, for which the King had given his Command to accuſe ſix Perſons of High Treaſon, and other High Miſdemeanors, by delivering theſe Articles: And that he was commanded to deſire your Lordſhips to have them read; which, by your Lordſhips Command, were accordingly read by the Clerk: And then further declared, that he was alſo commanded by his Majeſty, to deſire, on his Majeſty's Behalf, that a ſelect Committee might be appointed to take the Examination of ſuch Witneſſes as the King would produce, as formerly had been done in Caſes of like Nature, according to the Juſtice of this Houſe; and this Committee to be under a Command of Secreſy, as formerly: And that he was commanded to aſk Liberty to add according to Juſtice; and

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also to desire that your Lordships would take Care for the securing of those Persons, as, in Justice, there should be Cause.

'And saith, He did not conceive there could be any Offence in what was so done by him, in this Honourable House, in Obedience to those his Majesty's Commands; being wholly thereby left to your Lordships Wisdoms and Judgments, being his Majesty's great Council and greatest Court for Advice and Justice.

'And as touching the false, scandalous, and malicous, advising, contriving, or publishing the said Articles, or any other Articles against the said Persons in the said Papers mentioned, or any of them; or any Breach of this Defendant's Oath of Attorney General; and to the false, unlawful, and malicious exhibiting the said Articles into this Honourable House, or causing any Entry thereof to be made; and the Intent and Endeavour falsly, unlawfully, and maliciously to deprive this Honourable House, or the Honourable House of Commons, or any of the Members of the said Houses, or to take away any of their Lives, Estates, or good Names; and every Offence and Misdemeanor charged by the said Impeachment upon this Defendant, he saith he is not guilty of them, or any of them, in such Manner and Form as by the said Impeachment is charged.

'All which Matters and Things this Defendant is, and will be, ready to aver and prove in such Sort, as to this Honourable House of Parliament shall seem meet.

THOMAS GARDINER,
JOHN FOUNTAYNE,
ARTHUR TREVOR.

The Earl of *Monmouth* was again Bail for Mr. Attorney, in 5000*l.* Bond, for his Appearance to abide the Judgment of the Lords in Parliament, in this Cause, and so the Matter was dismissed for that Time.——Both Houses adjourned to the 24th.

Feb.

Feb. 23. This Day the Queen and Princeſs of *Orange* embarked for *Holland*[q]: On the 25th the King returned to *Canterbury*, and the next Day to *Greenwich*; from whence, on the 28th, he removed to *Theobalds* on his Way to *York*.——But to return to the Proceedings of Parliament. An. 17. Car. I. 1641. February.

The Queen and the Princeſs of *Orange* go to *Holland*.

Feb. 24. This being the Day for the further Proceedings againſt the twelve Biſhops, the Houſe of Lords ſent down Word to the Commons, That they had appointed that Afternoon, at Three of the Clock, to hear their Counſel, in Point of Law, concerning the Treaſon alledged againſt them. Soon after the Commons return'd for Anſwer, That they had reſolv'd to proceed againſt the ſaid Biſhops, which were impeached by them for High Treaſon, by Bill; and were proceeding in it accordingly.

Further Proceedings againſt the impeached Biſhops.

Hereupon the Biſhops were called in, and told this Matter; on which they ſaid, They had lain long under a Charge of Treaſon, and had many Days aſſigned them to be heard; and ſince the Matter of Fact had been heard, they deſired the Juſtice of this Houſe that they might be heard by their Counſel, in Point of Law; and either be acquitted, or Judgment given againſt them upon the Charge.

The Biſhops being ordered to withdraw, the Lords took their Deſires into Conſideration, and it was ordered, 'That, before the Matter againſt the twelve Biſhops ſhall be concluded by any Proceeding in that Houſe, they ſhall be heard by themſelves and their Counſel, as their Cauſe ſhall require.'

q *Whitlocke* ſays, 'That the Queen carried with her all her own and the King's Jewels, not leaving behind the Jewels of the Crown; that with them, and the Aſſiſtance of the Prince of *Orange*, a ſufficient Party might be raiſed for the King.' *Memorials*, p. 52.

But Lord *Clarendon* alledges, 'That both their Majeſties were reduced to ſo great Want, that the Queen was compelled to coin or ſell her Chamber Plate for the Supply of her moſt neceſſary Occaſions; there being no Money in the *Exchequer*, or in the Power of the Miniſters of the Revenue; the Officers of the Cuſtoms, out of which the Allowance for the weekly Support of their Majeſties Houſhold had been made, being enjoin'd by the Houſe of Commons not to iſſue out any Money, without their particular Conſent and Approbation.' *Hiſtory of the Rebellion*, Vol. I. p. 419.

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quire.' The Bishops were called in again and told of this Order, which was all the Satisfaction they had at that Time.

The Committee of the Commons, appointed to manage the Evidence against the twelve Bishops, had been ordered to draw a Bill, *For the forfeiting of the Issues and Profits of their Estates, Temporal and Ecclesiastical, and the disposing thereof as the Parliament should think fit; for the Imprisonment of their Persons during their Lives; and for the Disposal of all Livings that may fall within their Gift.*

The same Day the Speaker acquainted the House, that he had, the Night before, received a Message from the King, dated *February* 22, at *Dover*, inclosed in a Letter directed to himself, which his Majesty requir'd him to read in the House, and was as follows;

The King's Reply to the Commons Answer to Mr. Pymme's Speech.

AS his Majesty hath expressed a great Desire to give his House of Commons all possible Satisfaction to all their just Requests, and a Readiness to rectify or retract any Thing done by himself, which might seem to trench upon their Privileges by any Mistake of his; so he doubts not they will be ready, upon all Occasions, to manifest an equal Tenderness and Regard of his Majesty's Honour and Reputation with his good Subjects; and therefore his Majesty expects they should review his Message of the seventh of this Month, concerning a Passage in Mr. Pymme's *Speech, and their Answer sent his Majesty by some of their Members on the tenth of the same, with which his Majesty can by no Means rest satisfied.*

His Majesty's Exception in that Message was, That it was affirmed in that Speech, That since the Stop upon the Ports against all *Irish* Papists, by both Houses, many of the chief Commanders now in the Head of the Rebels, have been suffered to pass by his Majesty's immediate Warrant. *To this the Answer is,* That the Speech, mentioned in that Message to be deliver'd by Mr. *Pymme*, was printed by their Order, and that what was therein delivered

was

was agreeable to the Senſe of the Houſe; that they have received divers Advertiſements concerning ſeveral Perſons, *Iriſh* Papiſts and others, who have obtained his Majeſty's immediate Warrant for their paſſing into *Ireland*, ſince the Order of Reſtraint of both Houſes; ſome of which, they have been inform'd, ſince their coming into *Ireland*, have join'd with the Rebels, and been Commanders amongſt them: An. 17. Car. I. 1641. February.

His Majeſty is moſt aſſured no ſuch Perſons have paſſed by his Warrant or Privity; and therefore deſires his Houſe of Commons to conſider, whether ſuch a general Information and Advertiſement (in which there is not ſo much as the Name of any particular Perſon mentioned) be Ground enough for ſuch a direct and poſitive Affirmation, as is made in that Speech; which, in reſpect of the Place and Perſon, and being now acknowledged to be agreeable to the Senſe of the Houſe, is of that Authority that his Majeſty may ſuffer in the Affections of many of his good Subjects; and fall under a poſſible Conſtruction (conſidering the many ſcandalous Pamphlets to ſuch Purpoſe) of not being ſenſible enough of that Rebellion, ſo horrid and odious to all Chriſtians; by which, in this Diſtraction, ſuch Danger might poſſibly enſue to his Majeſty's Perſon and Eſtate, as he is well aſſured his Houſe of Commons will uſe their utmoſt Endeavours to prevent. And, therefore, his Majeſty thinks it very neceſſary, and expects that they name the Perſons, who, by his Majeſty's Licence, have paſſed into Ireland, *and are now there in the Head of the Rebels; or that if, upon their Re-examination, they do not find particular Evidence to prove that Aſſertion, (as his Majeſty is confident they never can) as this Affirmation, which may reflect upon his Majeſty, is very public, ſo they will publiſh ſuch a Declaration, whereby that Miſtake may be diſcovered; his Majeſty being the more tender in that Particular which hath Reference to* Ireland, *as being moſt aſſured that he hath been, and is, from his Soul, reſolved to diſcharge his Duty, which God will require at his Hands, for the Relief of his poor Proteſtant Subjects there, and the utter rooting out that Rebellion; ſo that*

Ser-

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Service hath not suffer'd any but necessary Delays by any Act of his Majesty's, for the Want of any Thing proposed to his Majesty, or within his Majesty's Power to do.

For the Persons nam'd in the Answer, his Majesty saith, That Col. Butler, *and the Son of the Lord* Netterville, *obtained his Warrants for their Passage into* Ireland, *at his Majesty's being in* Scotland, *which was long, as his Majesty thinks, before the Order of both Houses: His Majesty knowing the former of them to be one who hath always made Professions to his Service, and to be Uncle to the Earl of* Ormond, *of whose Affection to the Protestant Religion, and his Majesty's Service, his Majesty hath great Cause to be assured; and the latter being a Person of whom, at that Time, there was no Suspicion to his Majesty's Knowledge: For the others, it may be they have obtained Warrants from his Majesty since the said Order; but his Majesty assures the Parliament, that he had no Intimation of such an Order, till after the Stay made of Sir* George Hamilton, *who was the last that had any Licence from his Majesty to pass for* Ireland.

And his Majesty having, since his Answer from the House of Commons, used all possible Means, by the examining his own Memory, and the Notes of his Secretaries, to find what Warrants have been granted by him, and to what Persons, doth not find that he hath granted any to any Irish, *but those who are named by the House of Commons; and, in* December *last, to the Earl of St.* Albans *and two of his Servants, and to one* Walter Terrel, *a poor Man; they being such as his Majesty is assured are not with the Rebels, and much less chief Commanders over them. And tho' it may be the Persons named by the House of Commons are Papists, yet his Majesty, at that Time, thought it not fit, in respect of their Alliance in that Kingdom to such Persons of great Power, of whom his Majesty hoped well, to discover any Suspicion of them; the Lords Justices having declared by their Letters, which Letters were not disapproved of by the Parliament here, that they were so far from owning a public Jealousy of all Papists there, that they had thought fit to put Arms into the Hands of divers Noblemen of the Pale*

of

of that Religion, who made Profession to his Majesty's Service, and desired the same: And since so great a Trust reposed in some of the Lords of that Religion was not disapproved by the Parliament here, his Majesty could not imagine it unsafe or unfit for him to give Licences to some few to pass into that Kingdom, who, though Papists, professed due Allegiance and Loyalty to his Majesty. An. 17. Car. I. 1641. February.

And therefore, unless the first Affirmation of the House of Commons can be made good by some Particulars, his Majesty doth not know that his Ministers have failed in their Diligence and Faithfulness to his Majesty in this Point; or that his Honour hath suffered so much by any Act of his own, as that it needs be vindicated for the Time past by any other Way than such a Declaration, which he expects from this House, as in Duty and Justice due to his Majesty.

Feb. 25. The Earl of *Berkshire* signified to the Lords, That he had receiv'd an extraordinary Letter from the King, which was read in these Words:

CHARLES *R.*

Right Trusty, &c. we greet you well.

AS we have been graciously pleased, at your Request had for your private Occasions, by our former Letter, to dispense with your present Attendance in Parliament; so now, as there are likely to be treated there Affairs much importing the Public Peace and Good of our Kingdom, we have thought good, by these our Letters, to desire you to repair forthwith to London, *and not to fail to give your personal Attendance in Parliament: For, as we know your own good Affections to the Public will incline you to be careful to prefer that before your own private Ease, so we assure you we shall take it as a Testimony of your good Affections to us, on whom the Care of the Parliament doth immediately depend.* The King's Letter to the Earl of *Berkshire*;

Given at our Court at *Dover*, *Feb.* 23, 1641.

Some

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Some more Lords affirming that they had received Letters from the King to the same Effect, the House was put into a Committee, to consider what ill Counsels had been given to the King; who had gone about to extend the King's Prerogative beyond its antient Bounds; who were the Authors and Procurers of Monopolies; and likewise who gave Counsel for the Breach of the Pacification with the *Scots*, which had cost the Kingdom five Millions; besides many other Mischiefs and Inconveniences that happened thereupon. But nothing being resolved on, at this Time, the House was resumed; and thus this Matter ended, which seems to have put the Lords in some Disorder.

Which gives Offence to the Lords.

Feb. 26. The Commons, at a Conference this Day, exhibited the following Articles against the Lord *Digby*, which were sent up by Sir *John Evelyn*.

Articles of Impeachment against Lord *Digby*.

I. 'That the said Lord *Digby*, in or about the 'Month of *January*, 1641, maliciously and traiterously endeavoured to persuade the King to levy 'Forces against his liege Subjects within this King-'dom; and that the said Lord *Digby* actually did, 'in or about the said Month, levy Forces within 'this Realm, to the Terror of his Majesty's Subjects.

II. 'That the said Lord *Digby*, in or about the 'same Month, and at other Times, falsly, malici-'ously, and traiterously laboured to raise a Jea-'lousy and Dissention between the King and his 'People, and to possess his Majesty that he could 'not live with Safety of his Person amongst them; 'and did thereupon, traiterously, endeavour to per-'suade his Majesty to betake himself to some Place 'of Strength for his Defence.

III. 'That the said Lord *Digby*, about the 'Time aforementioned, did maliciously and trai-'terously endeavour to stir up Jealousies and Dis-'sentions between the King and Parliament; and, 'to that End and Purpose, did wickedly advise the 'framing of certain false and scandalous Articles of 'High Treason against the Lord *Kimbolton*, *Denzil* '*Holles*,

'*Holles*, Esq; *&c.* and did persuade his Majesty, An. 17. Car. I.
'accompanied with divers Soldiers and others in 1641.
'warlike Manner, to come in Person into the House February.
'of Commons, and demand the said Members of
'the said House then sitting; to the apparent Dan-
'ger of his Majesty's Person, and in high Viola-
'tion of the Privileges and Being of Parliaments.

'All which Matters the said *George* Lord *Digby*
'did traiterously, *&c.*'

In support of this Accusation, Sir *John Evelyn* spoke to this Effect:

'That this was a heavy Accusation, and such a Sir *John Evelyn*'s
one as needed rather Pity than Aggravation: That Speech thereup-
a Noble Gentleman, as he was, should fall into so on.
foul a Crime as to study the Destruction of his Country.

'In the House of Commons they observed him to appear much for his Country, till he had dived into the Secrets of that House; soon after which he fell into ill Discourses and bitter Railings against that House; as in a Speech of his, touching the Earl of *Strafford*, wherein he involved the Commons, your Lordships, and the King, in wilful Murder[r]. Being questioned for it, he fled from that House and came to yours, where we found him in the same Way there. That the Lord *Digby* had said, 'This was no free Parliament;' and not long after followed that high Breach of Parliament[s], in which Time he was observed to be a diligent Attendant on the Courts of the King and Queen. After that Plot was discovered, the King retired to *Hampton-Court*, and there we found him tampering with the Soldiers, saying, 'The King went out of 'Town only to save them from being trampled in 'the Dirt,' and by offering Money to the Soldiers for doing the worst Service that ever was done to the King. *Scelere legendum Scelus.*

'After

[r] Alluding to his Lordship's Speech for Redress of *Grievances*, for the *Triennial Bill*; and in favour of the Earl of *Strafford*, &c. in our 9th Volume.

[s] The Affair of the King's coming to demand the Five Members, *&c.* in this Volume.

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'After this he endeavoured to 'liſt Men, getting Names, offering himſelf and all he could for that Purpoſe; the Particulars whereof they will make appear to your Lordſhips by Proof.

'That Nobleneſs and Honour that hath moved your Lordſhips to ſtand ſo long in the Gap, for the Good of the State, will eaſily ſuggeſt what he deſerveth that would deſtroy it. He that will not omit to ſow Jealouſies between the King and People, deſerveth ill; but he that will foſter and nouriſh them, the State will ſpue him out, they cannot digeſt him. He concluded with ſaying, They would, by Proof, make good the Articles now exhibited to their Lordſhips.'

Feb. 28. The King, on his Return from ſeeing the Queen embarked for *Holland*, having ſent to command the Prince of *Wales* to meet him at *Greenwich* on the 26th; his Governor, the Marquis of *Hertford*, being then ſick, could not attend him thither, but ſent to acquaint the two Houſes with it: Upon which they diſpatched the following Meſſage to the King; and the Anſwer to it was read in the Houſe of Lords on this Day. The Meſſage was as follows:

A Meſſage to the King about removing the Prince.

'THE Lords and Commons, in Parliament, humbly deſire his Majeſty, that the Prince 'may not be removed from *Hampton-Court*; and 'that for theſe enſuing Reaſons:

1*ſt*, 'They conceive that his Majeſty had reſolved, that the Prince ſhould ſtay at *Hampton-Court* 'untill his Majeſty's Return.

2*dly*, 'That the Lord Marquis of *Hertford*, appointed by his Majeſty to be Governor of the 'Prince, and approved of and commanded by the 'Parliament to give his perſonal Attendance upon 'his Highneſs, is now ſo indiſpoſed in his Health, 'that he is not able to attend the Prince in any 'other Place.

3*dly*, 'That the Prince's Removal, at this Time, 'from *Hampton-Court*, may be a Cauſe to promote

'Jea-

'Jealouſies and Fears in the Hearts of his Maje- An. 17. Car. I.
'ſty's good Subjects, which they conceive very ne- 1641.
'ceſſary to avoid.' February.

His MAJESTY's ANSWER.

His Majeſty's Anſwer to the ſaid Meſſage.

1ſt, *THAT his Majeſty intended, at his Remove from* Hampton-Court *with his Royal Conſort, the Queen, towards* Dover, *that the Prince his Son ſhould ſtay at* Hampton-Court *till his Majeſty returned to ſome of his Houſes; and thereupon, as ſoon as his Majeſty reſolved upon a certain Day to be at* Greenwich, *he commanded that his Son ſhould attend him there, which was no way contrary to his former Intention.*

2dly, *That his Majeſty was very ſorry to hear of the Indiſpoſition of the Marquis of* Hertford, *being the Perſon upon whom he principally relies for the Care of his deareſt Son: But if that Indiſpoſition ſhould have laſted, his Majeſty could no way think fit that his Want of Health ſhould have hindered the Prince from waiting upon his Majeſty according to his Command; and therefore would have been much offended if the Prince had failed of meeting his Majeſty, according to his Appointment.*

3dly, *To the Fears and Jealouſies, his Majeſty knows not what Anſwer to give, not being able to imagine from what Grounds they proceed; but if any Information hath been given to that Purpoſe, his Majeſty much deſires that the ſame may be examined to the Bottom; and then he hopes that their Fears and Jealouſies will be hereafter continued only with Reference to his Majeſty's Rights and Honour.*

The ſame Day the Lord-Keeper delivered the King's Anſwer, ſent to him, to the Lords, concerning the Ordinance about the Militia, which was read in theſe Words:

And his final Anſwer as to the Militia.

HIS Majeſty having, with his beſt Care and Underſtanding, peruſed and conſidered that which was ſent him from both Houſes, for the ordering of the Militia, preſented unto him to be made an Or-

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Ordinance of Parliament, by the giving of his Royal Aſſent; as he can by no Means do it, for the Reaſons hereafter mentioned, ſo he doth not conceive himſelf obliged, by any Promiſe made in his Anſwer, of the ſecond of this Month, to the Petition of both Houſes, to yield to the ſame.

His Majeſty finds great Cauſe to except againſt the Preface or Introduction to that Order, which avoweth a moſt dangerous and deſperate Deſign upon the Houſe of Commons of late, ſuppoſed to be an Effect of the bloody Counſels of Papiſts, and other ill-affected Perſons; by which many may underſtand (looking upon other printed Papers to that Purpoſe) his coming in Perſon to the Houſe of Commons on the 4th Day of January, *which begot ſo unhappy a Miſunderſtanding between the King and his People: And for that, tho' he believes it, upon the Information ſince given him, to be an apparent Breach of their Privilege; and hath offered,* [and is ready] *to repair the ſame for the future, by any Act that ſhall be deſired of his Majeſty; yet he muſt declare and require to be believ'd, that he had no other Deſign upon that Houſe, or any Member of it, than to require, as he did, the Perſons of thoſe five Gentlemen his Majeſty had the Day before accuſed of High Treaſon; and to declare that he meant to proceed againſt them legally and ſpeedily, upon which he believed that Houſe would have delivered them up: And his Majeſty calls the Almighty God to witneſs, that he was ſo far from any Intention or Thought of Force or Violence, although that Houſe had not delivered them according to his Demand, or in any Caſe whatſoever, that he gave thoſe his Servants, and others, who then waited on his Majeſty, expreſs Charge and Command that they ſhould give no Offence to any Man; nay, if they received any Provocation or Injury, that they ſhould bear it without Return. And his Majeſty neither ſaw or knew that any Perſon of his Train had any other Weapons, but his Penſioners and Guards thoſe with which they uſually attend his Perſon* [to Parliament,] *and the other Gentlemen Swords: And therefore his Majeſty doubts not but his Parliament will be ſo*

so regardful of his Honour herein, that he shall not undergo any Imputation by the rash or indiscreet Expressions of any young Men then in his Train; or by any desperate Words uttered by others, who might mingle with them, without his Consent or Approbation. An. 17. Car. I. 1641. February.

For the Persons nominated to be Lieutenants of the several Counties of England *and* Wales, *his Majesty is contented to allow that Recommendation; only concerning the City of* London, *and such other Corporations as, by antient Charters, have granted unto them the Power of the Militia, his Majesty doth not conceive that it can stand with Justice or Policy to alter their Government in that Particular. And his Majesty is willing, forthwith, to grant every of them (that of* London *and those other Coroporations excepted) such Commissions as he hath done, this Parliament, to some Lord-Lieutenants, by your Advice: But if that Power be not thought enough, but that more shall be thought fit to be granted by these Persons named, than by the Law is in the Crown itself; his Majesty holds it reasonable that the same be, by some Law, first vested in him, with Power to transfer it to these Persons, which he will willingly do; and whatever that Power shall be, to avoid all future Doubts and Questions, his Majesty desires it may be digested into an Act of Parliament rather than an Ordinance; so that all his loving Subjects may thereby particularly know, both what they are to do, and what they are to suffer for their Neglect, that there be not the least Latitude for his good Subjects to suffer under any arbitrary Power whatsoever.*

As to the Time desired for the Continuance of the Powers to be granted, his Majesty giveth this Answer, That he cannot consent to divest himself of the just Power which God and the Laws of this Kingdom have placed in him for the Defence of his People, and to put it into the Hands of others for any indefinite Time. And since the Ground of this Request, from his Parliament, was to secure their present Fears and Jealousies, that they might, with Safety, apply themselves to the Matter of his Message of the 20th of January; *his Majesty hopeth that his Grace to them since*

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ſince that Time, in yielding to ſo many of their Deſires, and in agreeing to the Perſons now recommended to him by his Parliament, and the Power before expreſſed to be placed in them, will wholly diſpel thoſe Fears and Jealouſies; and aſſureth them, that as his Majeſty hath now applied this unuſual Remedy to their Doubts, ſo, if there ſhall be Cauſe, he will continue the ſame to ſuch Time as ſhall be agreeable to the ſame Care he now expreſſeth towards them.

And, in this Anſwer, his Majeſty is ſo far from receding from any Thing he promiſed, or intended to grant, in his Anſwer to the former Petition, that his Majeſty hath hereby conſented to all which was then aſked of him by that Petition concerning the Militia of the Kingdom, (except that of London *and thoſe other Corporations) which was to put the ſame into the Hands of ſuch Perſons as ſhould be recommended unto him by both Houſes of Parliament: And his Majeſty doubts not but the Parliament, upon well weighing the Particulars of this his Anſwer, will find the ſame more ſatisfactory to their Ends, and the Peace and Welfare of all his good Subjects, than the Way propoſed by this intended Ordinance; to which, for theſe Reaſons, his Majeſty cannot conſent.*

And whereas his Majeſty obſerves, by the Petition of both Houſes, preſented unto him by the Earl of Portland, *Sir* Thomas Hele, *and Sir* William Saville, *That, in ſome Places, ſome Perſons begin already to intermeddle of themſelves with the Militia; his Majeſty expecteth that his Parliament ſhould examine the Particulars thereof, it being a Matter of high Concernment and very great Conſequence.*

And his Majeſty requireth, that if it ſhall appear to his Parliament, that any Perſons whatſoever have preſumed to command the Militia, without lawful Authority, they may be proceeded againſt according to Law.

The Lords, taking this Anſwer of the King's to be a Matter of the greateſt Concernment, ſent it down immediately to the Commons; and withall ordered, That they would adjourn 'till Two that Af-

Afternoon, to wait the Resolutions of that House upon it. Accordingly a Message was sent from the Commons to desire a Conference, the Report of which was made to the Lords to this Effect: An. 17. Car. I. 1641. February.

'Some Votes of the House of Commons were read, upon the King's last Answer, *viz.*

'*Resolved*, upon the Question, by the House of Commons, That this Answer from his Majesty is a direct Denial to the Desires of both Houses of Parliament concerning the Militia. Which both Houses vote to be a direct Denial, &c.

'The Lords agreed with the House of Commons in this Vote.

'*Resolved*, &c. That those who advised his Majesty to give this Answer, are Enemies to the State, and mischievous Projectors against the Safety of the King and Peace of this Kingdom.

'The Lords agreed with them also in this Vote.

'*Resolved*, &c. That this Denial is of that dangerous Consequence, that if his Majesty should persist in it, it would hazard the Peace and Safety of all his Kingdoms; unless some speedy Remedy be applied, by the Wisdom and Authority of both Houses of Parliament.

'Agreed to by the Lords.

'*Resolved*, &c. That such Parts of this Kingdom, as have put themselves into a Posture of Defence against the common Danger, have done nothing but what is justifiable, and is approved of by this House.

'Agreed to by the Lords.

'*Resolved*, &c. That if his Majesty shall remove into any remote Parts from his Parliament, it will be a great Hazard to the Kingdom, and a great Prejudice to the Proceedings of Parliament.

'Agreed to by the Lords.

'*Resolved*, &c. That this House holds it necessary that his Majesty should be desired, that the Prince may come to St. *James*'s, or to some other convenient Place near about *London*, and there to continue.

'Agreed to by the Lords.

'*Re-*

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'*Reſolved*, &c. That the Lords be deſired to join with this Houſe, in an humble Addreſs unto his Majeſty, that he will be pleaſed to reſide near his Parliament, that both Houſes may have a Conveniency of Acceſs unto him on all Occaſions.

'Agreed to by the Lords.

'*Reſolved*, &c. That the Lords be moved to join with them, in a full Courſe of Examination, to find out the Perſons who gave his Majeſty this Advice, that they may be removed from him, and brought to condign Puniſhment.

'Agreed to by the Lords.

'*Reſolved*, &c. That no Charter can be granted by the King, to create a Power in any Corporation over the Militia of that Place, without Conſent of Parliament.

'Agreed to by the Lords.

'*Reſolved*, &c. That the Lords ſhall be deſired to appoint a ſelect Committee, that they may join with another of a proportionable Number of the Houſe of Commons, to prepare what is fit further to be done upon theſe Votes, or upon any Thing elſe that may ariſe upon theſe Anſwers of the King's, concerning the Militia or the Prince [r].

'The Lords agreed with the Houſe of Commons in this Vote alſo; and appointed a ſelect Committee of their Houſe accordingly.'

March 1. This Day the ſaid Committee brought in a Draught of a Meſſage to the King, on the foregoing Anſwer concerning the Militia; which was read *in hæc Verba:*

Moſt Gracious Sovereign,

Their Declaration that they will diſpoſe of the Militia without the King.

'YOur Majeſty's moſt loyal and obedient Subjects, the Lords and Commons in Parliament, do find their juſt Apprehenſions of Sorrow and Fear, in reſpect of the public Dangers and Miſeries like to fall upon your Majeſty and the

[r] By the *Commons Journals* it ſeems as if they were ſtill jealous that the Prince of *Wales* would be tranſported out of the Kingdom.

'the Kingdom, to be much encreaſed, upon the 'Receipt of your unexpected Denial of their moſt 'humble and neceſſary Petition, concerning the 'Militia of the Kingdom; eſpecially grieving that 'wicked and miſchievous Counſellors ſhould ſtill 'have that Power with your Majeſty, as, in this 'Time of imminent and approaching Ruin, rather 'to incline your Reſolutions to that which is apt 'to further the Accompliſhment of the Deſires of 'the moſt malignant Enemies of God's true Religion, and of the Peace and Safety of yourſelf 'and your Kingdom, than to the dutiful and faithful Counſel of your Parliament. An. 17. Car. I. 1641. March.

'Wherefore they are enforced, in all Humility, to 'proteſt, That if your Majeſty ſhall perſiſt in that 'Denial the Dangers and Diſtempers of the Kingdom are ſuch as will endure no longer Delay: 'But unleſs you ſhall be graciouſly pleaſed to aſſure 'them, by theſe Meſſengers, that you will ſpeedily apply your Royal Aſſent to the Satisfaction 'of their former Deſires, they ſhall be enforced, 'for the Safety of your Majeſty and your Kingdoms, to diſpoſe of the Militia by the Authority 'of both Houſes, in ſuch Manner as hath been 'propounded to your Majeſty; and they reſolve to 'do it accordingly.

'They likewiſe moſt humbly beſeech your Majeſty to believe, That the dangerous and deſperate 'Deſign upon the Houſe of Commons, mentioned 'in their Preamble, was not inſerted with any Intention to caſt the leaſt Aſperſion upon your Majeſty; but therein they reflected upon that malignant Party, of whoſe bloody and malicious Practices they have had ſo often Experience, and from 'which they can never be ſecure, unleſs your Majeſty will be pleaſed to put from you thoſe wicked 'and unfaithful Counſellors, who interpoſe their 'own corrupt and malicious Deſigns betwixt your 'Majeſty's Goodneſs and Wiſdom, and the Proſperity and Contentment of yourſelf and of your 'People: And that for the Diſpatch of the great 'Affairs of the Kingdom, the Safety of your Perſon,

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'ſon, the Protection and Comfort of your Sub-
'jects, you will be pleaſed to continue your Abode
'near to *London* and the Parliament, and not to
'withdraw yourſelf to any other remoter Parts;
'which, if your Majeſty ſhould do, muſt needs be
'a Cauſe of great Danger and Diſtraction.

'That your Majeſty will likewiſe be graciouſly
'pleaſed to continue the Prince's Highneſs in theſe
'Parts, at St. *James*'s or any other of your Houſes
'near *London*; whereby the Deſigns which the
'Enemies of the Religion and Peace of this King-
'dom may have upon his Perſon, and the Jealou-
'ſies and Fears of your People may be prevented.

'And they beſeech your Majeſty to be informed
'by them, That, by the Laws of the Kingdom,
'the Power of raiſing, ordering, and diſpoſing the
'Militia, within any City, Town, or other Place,
'cannot be granted to any Corporation by Charter,
'or otherwiſe, without the Authority and Conſent
'of Parliament; and that thoſe Parts of the King-
'dom, which have put themſelves in a Poſture of
'Defence againſt the common Danger, have there-
'in done nothing, but according to the Declara-
'tion and Direction of both Houſes, and what is
'juſtifiable by all the Laws of this Kingdom.

'All which their moſt humble Counſel and De-
'ſires they pray your Majeſty to accept, as the
'Effect of that Duty and Allegiance which they
'owe unto you, and which will not ſuffer them to
'admit of any Thoughts, Intentions, or Endea-
'vours, but ſuch as are neceſſary and advantageous
'for your Majeſty's Greatneſs and Honour, and
'the Safety and Proſperity of the Kingdom, ac-
'cording to that Truſt and Power which the Laws
'have repoſed in them.'

March 2. The aforeſaid Meſſage having been preſented to the King, at *Theobalds*, his Majeſty return'd the following Anſwer:

The King's Reply, reſolving to abide by his laſt Anſwer.

I am ſo much amazed at this Meſſage, that I know not what to anſwer. You ſpeak of Jealouſies and Fears: Lay your Hands to your Hearts, and aſk your-

ſelves,

ſelves, whether I may not likewiſe be diſturbed with Fears and Jealouſies: And if ſo, I aſſure you this Meſſage hath nothing leſſened them. An. 17. Car. I. 1641. March.

For the Militia; I thought ſo much of it before I ſent that Anſwer, and am ſo much aſſured that the Anſwer is agreeable to what, in Juſtice or Reaſon, you can aſk, or I in Honour grant, that I ſhall not alter it in any Point.

For my Reſidence near you; I wiſh it might be ſo ſafe and honourable, that I had no Cauſe to abſent myſelf from Whitehall: *Aſk yourſelves whether I have not.*

For my Son; I ſhall take that Care of him, which ſhall juſtify me to God as a Father, and to my Dominions as a King.

To conclude: I aſſure you, upon my Honour, that I have no Thought but of Peace and Juſtice to my People, which I ſhall, by all fair Means, ſeek to preſerve and maintain; relying upon the Goodneſs and Providence of God, for the Preſervation of myſelf and Rights.

This Anſwer being made known to both Houſes, the Commons ſent up to deſire a Conference about it; the Report of which was, That the Commons had conſidered much of it, and did ſtill think it fit that their Meſſage to the King ſhould be inſiſted on. The Parliament inſiſt upon their Declaration,

They offer'd, alſo, the following Reſolutions which their Houſe had made, and deſired their Lordſhips Concurrence:

'*Reſolved*, by the Houſe of Commons, on the Queſtion, That the Kingdom be forthwith put into a Poſture of Defence, by Authority of Parliament, in ſuch a Way as is already agreed on by both Houſes.' And reſolve to put the Kingdom into a Poſture of Defence, &c.

'*Reſolved*, &c. That a Committee be appointed to prepare a Declaration upon theſe two Heads:

1*ſt*, 'To lay down the juſt Cauſes of the Fears and Jealouſies given to this Houſe, and to clear this Houſe from any Jealouſies conceived againſt it.

2*dly*, 'To conſider of all Matters that may ariſe on this Meſſage, and to declare their Opinions what is fit to be done upon it.'

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The Lords taking these Resolutions into Consideration, after a serious Debate, agreed to the first, whereupon the following Peers entered their Dissent against it:

Protest thereon in the House of Lords,

Earl of LINDSEY, *Lord Great Chamberlain.*
Earl of BATH.
Earl of SOUTHAMPTON.
Earl of NORTHAMPTON.
Earl of MONMOUTH.
Earl of CLEVELAND.
Earl of PORTLAND.
Lord MOWBRAY.
Lord WILLOUGHBY *de* Eresby.
Lord GREY.
Lord DUNSMORE.
Lord SEYMOUR.
Lord CAPEL.

The second Resolution was, wholly, agreed to; after which both Houses, by Consent, adjourned to the 4th of this Month, to give Time for their joint Committee to meet at *Merchant-Taylors-Hall*, and prepare Matters accordingly.

March 4. A Bill had been sent up by the House of Commons, intitled, *An Act for the clearing and vindicating of the Lord* Kimbolton, *and the five Members, from a late feigned Charge, or Accusation, of High Treason*; which was read a second Time this Day by the Lords, and committed.

The Bill against the impeached Bishops being now depending in the House of Commons, an Order was made, That they should be heard by themselves, or by Petition, at the Bar of that House, as this Day. The Bishops of *Durham* [l], and of *Lichfield* and *Coventry* [m] appeared there, and spoke in their own Defence. The Speech of the latter was published at that Time, and is still preserved in our Collections; which we give here as follows: [n]

Mr. Speaker,

The Bishop of *Lichfield* and *Coventry*'s Defence, at the Bar of the House of Commons.

'AS it hath been ever my Fashion, and in Truth it is my Disposition, to endeavour, at the least, to give Satisfaction to every Man, even to the meanest, that hath had any sinister Conceptions

l Dr. *Thomas Moreton.*
m Dr. *Robert Wright.* He died in 1642.
n Printed by *Richard Lowndes*, without *Ludgate*, 1641.

tions of me, be it *Scandalum datum* or *acceptum*; An. 17. Car I. 1641. March.
ſo hath it been my Ambition, and I have ſought it with Affection, as to all Men, ſo much more to this Honourable Aſſembly, eſpecially concerning the late Petition and Proteſtation exhibited unto his Sacred Majeſty, and the Lords and Peers in Parliament. But, in the *firſt* Place, Mr. Speaker, I am, as it becomes me, to give moſt hearty and condign Thanks to the Noble Knights, Citizens, and Burgeſſes of this Honourable Houſe of Commons; for that they have been pleaſed, by a general Vote, and I hope unanimous, to give me Leave to ſpeak for myſelf; and to lay open the Truth of my Cauſe, concerning the ſaid Petition and Proteſtation, before them.

'And now, Mr. Speaker, to addreſs myſelf to the Buſineſs; whereof I ſhall not ſpeak as a Lawyer, for I have no Head for Law; neither ſhall I need to touch upon any Point thereof, as a flouriſhing Orator deſirous to hear himſelf ſpeak: I have long ſince laid aſide my Books of Rhetoric. My Deſire is, Mr. Speaker, to tread in the Steps of an old Divine, of whom *Sozomen* writes in his Eccleſiaſtical Hiſtory, who, groaning under the like heavy Burden and Accuſation as I do, choſe rather to vent his own Senſe, and expreſs the Truth of his Cauſe in plain Language, than to colour or cloak Falſhood; or to extenuate his Offence, by forced, trapp'd, and new varniſh'd Eloquence: And to that Purpoſe my Conceptions and Narration ſhall ſtand only upon two Feet, Negation and Affirmation.

'There are ſome Things that I muſt deny, and yet juſtly; ſomewhat I muſt affirm, and that I ſhall do ingenuouſly and fully.

'*Firſt*, for the Negative: I never framed, made, nor contrived, compiled or preferred, any ſuch Petition or Proteſtation. I never was at any Meeting, Conſultation or Conference, about any ſuch Buſineſs; nay, I never heard of any Intention, much leſs Execution, of any ſuch Thing, untill it was the *Wedneſday* in *Chriſtmas*, being the 29th of *December*; at which Time it was brought unto my

An. 17. Car. I. 1641. March. my Houſe in *Covent-Garden*, being betwixt Six and Seven at Night, (ſubſcribed by ſome of my Brethren) with a Requeſt, that I would ſubſcribe ſuddenly alſo.

'*Next*, for the Affirmative: Preſuming that ſo learned, grave, and wiſe Men, well verſed in Matters of that Nature, would not have attempted any ſuch Thing, without good Counſel, to the Endangering of themſelves and their Brethren, and to the Diſtaſte of the Lords; and that all the reſt of the Biſhops, in and about the City of *London* and *Weſtminſter*, would ſubſcribe thereunto; and that it ſhould not be preferred, without the Approbation and mature Deliberation of good Counſel, and of us all, I made one, and ſet my Hand thereto; which I do now acknowledge, and never yet denied; nay, the firſt Time that I came to the Bar in the Lords Houſe, I acknowledged that my Hand was to it; and divers of this Honourable Preſence heard it ſo read unto them, out of the *Journal* of the Lords Houſe.

'Now, Mr. Speaker, if theſe my deceived and deceiving Thoughts (to uſe St. *Bernard*'s Phraſe) have led me into an Error, the Error is either *ex Ignorantiâ Juris*, an Unſkilfulneſs in the Law, or *Debilitate Judicii*, a Weakneſs of my Apprehenſion; elſe *ex nimiâ Credulitate*, out of my too much Confidence in others; not of any prepenſed Malice, or out of a Spirit of Contradiction, as the Lord knoweth. The Schoolmen tell me, that *Duo ſunt in omni Peccato*, there is *Actio & Malitia Actionis*; I own the Action, the Subſcription is mine; but that there was any Malice in the Action (to croſs any Vote, at which I was not preſent) I utterly diſavow.

'And therefore, Mr. Speaker, I ſhall become an humble Suitor, that I may recommend three moſt humble Requeſts, or Motions, to this Honourable Houſe.

'This *firſt* Motion is, That you would be pleaſed to tread in the Steps of *Conſtantine* the Chriſtian Emperor, who had ever this Reſolution, That if he

ſhould

should see *Sacerdotem peccantem*, an offending Divine, he would rather cast his Purple Garment upon him, than reveal the Offence, for the Gospel's Sake of *Christ*. An. 17. Car. I. 1641. March.

'My *second* Motion is, That if my Subscription shall make me a Delinquent, and worthy of any Censure, that then the Censure may not exceed, but, at the highest, be proportionable to the Offence.

'The *third* and *last* Motion is, That that Saying of *Plautus* (after my fifty-eight Years painful, constant, and successful preaching of the Gospel of *Christ*, in the Kingdom of *England*, and in Foreign Parts) may not be verified of me, *Si quid bene feceris, levior Pluma est Gratia; si quid Mali feceris, plumbeas Iras gerunt.*

'And now, Mr. Speaker, I might here tender divers Motions to the Consideration of this Honourable House, for favourable Construction of my rash Subscription, I may say Commiseration; yet all without Ostentation, that is far from me; but rather for the Consolation of my perplexed Soul; for the great Affliction, Restraint, and Disgrace, which I have long sustained; (which is far greater than ever I endured before, and transcends the Dangers and Jeopardies of the Seas, and the Miseries of the Wars, whereof I have had my Share) and partly for the Vindication of my former Reputation, Calling, and Profession; which is now so clouded, eclips'd, and blacken'd in the Eyes of the World, and scandaliz'd in the Mouths of the vulgar Multitude; that, without Reparation, and Restoration to my former Esteem, I shall never have Heart to shew my Face in the Pulpit any more, wherein I have wished to end my Days.

'But I wave all these, because I will not detain you from other Occasions of greater Importance; and desire my Ways may be made known unto you, rather by Inquisition, than my own Relation; only I shall appeal to the Noble Knights, Citizens, and Burgesses of the Diocese where I now live; and of the other wherein formerly I did live,

as

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as namely the Honourable City of *Briſtol*; which I can never name without that Title, not only in reſpect of their Piety, Unity, and Conformity, but alſo in reſpect of their Love, Kindneſs, and extraordinary Bounty unto me. I appeal to them, for their Teſtimonies and Knowledge of my Courſes amongſt them; nay, I appeal to the Records of that Honourable Houſe, where, I am confident, after ſixteen Months ſitting, there is nothing found that can trench upon me, neither, I hope, will nor may be.

'And therefore my humble Suit is for Expedition, if you intend Accuſation; or rather for your Mediation, that I may ſpeedily return to my own Home and Cure, *to redeem the Time becauſe the Days are Evil*, as the Apoſtle ſpeaks; and to regain the Eſteem and Reputation which I was long in getting, and long enjoyed, but loſt in a Moment; for if I ſhould out live (I ſay not my Biſhoprick, but) my Credit, my grey Hairs and many Years would ſoon be *brought with Sorrow to the Grave*.

'I have done, Mr. Speaker; and there remains nothing now but that I become a Petitioner unto Almighty God, That he will be pleaſed to beſtow upon you all the Patriarch's Bleſſings, even the Dew of Heaven, and the Fatneſs of the Earth: And I end with that of St. *Jude*, *Mercy*, *Peace*, *and Love be multiplied unto you*; I ſay again, with a religious and affectionate Heart, *Mercy*, *Peace*, *and Love be multiplied unto you*.'

March 5. The Ordinance concerning the Militia was again read by the Lords, and the King's Name and Authority wholly left out of it. Hereupon one of the Lords ſtarting a Doubt, That it was a Scruple to his Conſcience whether this Ordinance doth not intrench upon the Oath of Allegiance? That Oath was read, and it was reſolved, upon the Queſtion, *Nem. Con.* 'That the paſſing of this Ordinance, now read, is not any way againſt the Oath of Allegiance.' Then it was reſolved, 'That this Ordinance

dinance of the Lords and Commons in Parliament, for the Safety of the Kingdom of *England* and Dominion of *Wales*, ſhall paſs [o]. The laſt mention'd Peers, with the Earl of *Devon*, the Lords *Rich*, *Howard de Charlton* and *Savile*, diſſenting. An. 17. Car. I. 1641. March.

The Ordinance paſs'd for ſettling the Militia, by Parliament, without the King.

Whitlocke writes, 'That theſe Votes and Reſolutions were carried thro' the Houſe of Commons, chiefly, by the Opinions and Encouragement of *Pymme*, *Hampden*, *Holles*, and *Stapylton*; with the Lawyers, *St. John*, *Corbet*, *Liſle*, and others. In the Houſe of Lords, he ſays, the Lord-Keeper *Littleton* was very confident in his Opinion of it, and concurred with the Commons. The Arguments urged in Favour of the Ordinance were, 'That the Lords and Commons, in caſe of the King's Minority, Sickneſs, or Abſence, had done the ſame in other Times; as when *Henry* III. died, and his Son *Edward* I. was in the *Holy Land*, and came not home in almoſt two Years after his Father's Death; yet, in the mean Time, the Lords and Commons appointed Lieutenants in the ſeveral Counties, and made ſeveral Ordinances, which are of Force at this Day: So are the Ordinances made by them in the Minority of *Henry* VI. upon the Difference between him and the Duke of *York*; and the Ordinances in the Minority of *Edward* VI. and in other Times:

'That the King was now abſent, and, having called his Parliament at *Weſtminſter*, was himſelf gone as far from them as *York*; and had, before he came thither, and ſince, appeared with warlike Forces about him, to the Terror of the Parliament.

'That the Buſineſs of *Ireland* and other threatening Dangers gave too much Cauſe of Fears and Jealouſies to the Parliament, and to ſtand upon their Guard, for Defence of themſelves and the Kingdom;

[o] The Ordinance at large, as paſſed by both Houſes, we purpoſely omit, it being the ſame as the Draught before given at p. 281, excepting the Omiſſion of the King's Name and Authority throughout, and the filling up the Blanks of the Lieutenancies with the Names of the ſame Perſons whom the Commons had recommended to the King; a Liſt of whom are to be found at p. 283.

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dom; without which the King would ſo grow upon them, and his evil Counſellors ſo prevail, that they would undoubtedly bring their Deſigns to paſs, of a ſpeedy introducing of Popery and Tyranny: Whereas, if they ſaw the Parliament in a good Poſture of Defence, and that the People generally would adhere to them, as no Doubt but they would, that then the King would be brought to a good Accommodation and Agreement with his Parliament, without a Blow to be ſtruck between them; whereby they ſhould preſerve the juſt Rights and Liberties of the Subject, the Privilege of Parliament, themſelves and their Friends, and the Proteſtant Religion, from Ruin; which, without this Appearance only of Arms, or Power to arm if there ſhould be Occaſion, would unavoidably be brought to paſs.'

The *Memorialiſt* adds, 'That theſe Arguments, together with the ſolemn Proteſtations of the moſt powerful and active Members, 'That they had not the leaſt Purpoſe or Intention of any War with the King, but to arm themſelves for their neceſſary Defence, prevailed with moſt Men to keep their Station, and, at preſent, to accept Commiſſions of Deputy-Lieutenancy: That accordingly Mr. *Maynard*, Mr. *Glynne*, Mr. *Grimſtone*, Mr. *St. John*, Mr. *Selden* [p], and divers other Gentlemen of great Parts and Intereſt accepted of the like Commiſſions, and continued their Service in the Parliament: But that Mr. *Palmer*, Mr. *Hyde*, Mr. *Bridgman*, and divers other eminent Lawyers and Gentlemen, who had given their Opinions poſitively againſt the Ordinance, left the Houſe upon the paſſing of it.'

Farther Reſolutions relating to the Militia.

To ſtrengthen this Ordinance of Parliament, there were ſome more Reſolutions of the Commons, read and agreed to by the Lords, *viz.* That the ſeveral Commiſſions, granted under the Great Seal, for Lieutenancies of Counties, were illegal and void: That

[p] Lord *Clarendon* ſays, Mr. *Selden* oppoſed this Ordinance for the Militia very warmly; but he agrees with Mr. *Whitlocke* as to the Opinion of the Lord-Keeper *Littleton*.

That such Commissions should be all called in and cancelled: That whosoever shall execute any such Power again, without the Consent of Parliament, shall be accounted a Disturber of the Peace of the Kingdom. But to these Resolutions the Earl of *Southampton*, with the Lords *Mowbray*, *Howard*, and *Seymour*, entered their Dissent. An. 17. Car. I. 1641. March.

The House of Commons having sent up the Form of a Declaration to be presented to the King, to which they desired their Lordships Concurrence, and the same being read, the Debate of it was put off till *Monday* the 7th; and, in the mean Time, a Conference was desired with the Commons, to know of them what Proofs could be offered to satisfy such Lords who doubted the Truth of some Particulars in that Declaration. Accordingly, on that Day, a Conference was held; and, after it, the Declaration was again read in the House of Lords, as follows:

May it please your Majesty,

The Declaration of both Houses, setting forth the Causes of their Jealousies and Fears.

'ALthough the Expressions in your Majesty's Message, of the 2d of this Instant *March*, 'do give just Cause of Sorrow to your faithful Sub- 'jects, the Lords and Commons in Parliament; 'yet it is not without some Mixture of Confidence 'and Hope, considering they proceeded from the 'Misapprehension of our Actions and Intentions; 'which, having no Ground of Truth or Reality, 'may, by your Majesty's Justice and Wisdom, be 'removed, when your Majesty shall be fully in- 'formed that those Fears and Jealousies of ours, 'which your Majesty thinks to be causeless, and 'without any just Ground, do necessarily and clear- 'ly arise from those Dangers and Distempers, into 'which the mischievous and evil Counsels about you 'have brought this Kingdom; and that those other 'Fears and Jealousies, by which your Favour, 'your Royal Presence and Confidence, have been 'withdrawn from your Parliament, have no Foun-

'dation

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'dation or Subſiſtance in any Action, Intention, 'or Miſcarriage of ours; but are meerly grounded 'upon the Falſhood and Malice of thoſe, who, for 'the ſupporting and fomenting their own wicked 'Deſigns againſt the Religion and Peace of the 'Kingdom, do ſeek to deprive your Majeſty of the 'Strength and Affection of your People, and them 'of your Grace and Protection; thereby to ſubject 'both your Royal Perſon and the whole Kingdom 'to Ruin and Deſtruction.

'To ſatisfy your Majeſty's Judgment and Con-'ſcience in both theſe Points, we deſire to make a 'clear and free Declaration of the Cauſes of our 'Fears and Jealouſies, which we offer to your Ma-'jeſty, in theſe Particulars:

1ſt, 'That the Deſign of altering Religion in 'this, and in your other Kingdoms, hath been 'potently carried on by thoſe in greateſt Authority 'about you for divers Years together; the Queen's 'Agent at *Rome*, and the *Pope*'s Agent or Nuncio 'here, are not only Evidences of this Deſign, but 'have been great Actors in it.

2dly, 'That the War with *Scotland* was procur'd 'to make Way for this Intent, and chiefly invited 'and fomented by the Papiſts, and others Popiſhly 'affected; whereof we have many Evidences, eſpe-'cially their free and general Contribution to it.

3dly, 'That the Rebellion in *Ireland* was framed 'and contrived here in *England*; and that the *Eng-'liſh* Papiſts ſhould have riſen about the ſame Time, 'we have ſeveral Teſtimonies and Advertiſements 'from *Ireland*; and that it is a common Speech a-'mongſt the Rebels, (wherewith concur other Evi-'dences and Obſervations of the ſuſpicious Meet-'ings and Conſultations; the tumultuary and ſedi-'tious Carriage of thoſe of that Religion in divers 'Parts of this Kingdom, about the Time of the 'breaking out of the *Iriſh* Rebellion; the Depoſi-'tion of *O'Connelly*; the Information of Mr. *Cole*, 'Miniſter; the Letter of *Treſtram Whitcombe*; the 'Depoſition of *Thomas Grant*, and many others

'which

'which we may produce, do all agree in this) and 'the public Declaration of the Lords, Gentlemen, 'and others of the Pale, that they would join with 'the Rebels, whom they call the *Iriſh* Army, or 'any other, to recover unto his Majeſty his Royal 'Prerogative, wreſted from him by the Puritan Fac- 'tion in the Houſes of Parliament in *England*; and 'to maintain the ſame againſt all others; as alſo to 'maintain Epiſcopal Juriſdiction, and the Lawful- 'neſs thereof: Theſe two being the Quarrels, upon 'which his Majeſty's late Army in the *North* ſhould 'have been incenſed againſt us.

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'The great Cauſe we have to fear that the late 'Deſign, ſtyled *The Queen's pious Intention*, was 'for the Alteration of Religion in this Kingdom; 'for Succeſs whereof the *Pope*'s Nuncio, the Count '*Roſetti*, enjoined Faſting and Praying to be obſer- 'ved every Week by the *Engliſh* Papiſts; which 'appeared to us by one of the original Letters, di- 'rected, by him, to a Prieſt in *Lancaſhire*.

'The Boldneſs of the *Iriſh* Rebels, in affirming 'they do nothing but by Authority from the King; 'that they call themſelves the Queen's Army; 'that the Prey or Booty which they take from 'the *Engliſh*, they mark with the Queen's Mark; 'that their Purpoſe was to come to *England*, after 'they had done in *Ireland*; and ſundry other 'Things of this Kind, proved by *O'Connelly*, and 'divers others, eſpecially in the afore-mentioned 'Letter from *Treſtram Whitcombe*, the Mayor of '*Kingſale*, to his Brother *Benjamin Whitcombe*, 'wherein there is this Paſſage, *That many other 'ſtrange Speeches they utter, about Religion and 'our Court of* England, *which he dares not commit 'to Paper*.

'The manifold Attempts to provoke your Ma- 'jeſty's late Army, and the Army of the *Scots*, 'and to raiſe a Faction in the City of *London* and 'other Parts of the Kingdom; that thoſe, who have 'been Actors in thoſe Buſineſſes, have had their 'Dependance, their Countenance, and Encourage- 'ment from the Court: Witneſs the Treaſon

'where-

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'whereof Mr. *Jermyn*, and others, ſtand accuſed, 'who were tranſported beyond Sea, by Warrant 'under your Majeſty's Hand, after your Majeſty 'had given Aſſurance to your Parliament that 'your Majeſty had laid a ſtrict Command upon all 'your Servants, that none of them ſhould depart 'from Court; and that dangerous Petition, deliver-'ed to Capt. *Legge* by your Majeſty's own Hand, 'accompanied with a Direction, ſigned *C. R.*[a]

'The falſe and ſcandalous Accuſation againſt the 'Lord *Kimbolton*, and the five Members of the 'Houſe of Commons, tendered to the Parliament 'by your Majeſty's own Command; endeavoured 'to be juſtified in the City, by your own Preſence 'and Perſuaſion; and to be put in Execution upon 'their Perſons, by your Majeſty's Demand of them 'in the Houſe of Commons, in ſo terrible and vi-'olent a Manner, as far exceeded all former 'Breaches of Privileges of Parliament, acted by 'your Majeſty, or any of your Predeceſſors: And 'whatſoever your own Intentions were, divers 'bloody and deſperate Perſons, who attended your 'Majeſty, diſcovered their Affections and Reſolu-'tions to have maſſacred and deſtroyed the Members 'of that Houſe; if the Abſence of thoſe Perſons ac-'cuſed had not, by God's Providence, ſtopped the 'giving of that Word which they expected, for the 'ſetting them upon that barbarous and bloody Act: 'The Lifting of ſo many Officers, Soldiers, and 'others; putting them into Pay, and under Com-'mand of Colonels; feaſting and careſſing them in 'an unuſual Manner, at *Whitehall*; thereby main-'taining them in the violent Aſſaults, and other 'Injuries, which they offered to divers of your Sub-'jects, coming that Way in a lawful and peaceable 'Manner; the carrying them out of Town; 'after which they were told by Lord *Digby*, '*That the King removed on purpoſe, that they 'might not be trampled in the Dirt*; and keeping 'them

[a] Lord *Clarendon* gives a very particular Account of this Petition intended to have been ſubſcribed by the Officers of the Army. Vol. I. p. 244, *& ſeq.*

'them so long in Pay; endeavouring to engage the 'Gentlemen of the Inns of Court in the same 'Course; the plotting and designing of a perpetual 'Guard about your Majesty; the labouring to in-'fuse into your Majesty's Subjects an evil Opinion 'of the Parliament through the whole Kingdom; 'and other Symptoms of a Disposition of raising 'Arms, and dividing your People by a Civil War; 'in which Combustion *Ireland* must needs be lost, 'and this Kingdom miserably wasted and consum'd, 'if not wholly ruined and destroyed. An. 17. Car. I. 1641. March.

'That after a Vote had passed in the House of 'Commons, (declaring, That the Lord *Digby* had 'appeared in a warlike Manner, at *Kingston* upon '*Thames*, to the Terror and Fright of your Ma-'jesty's good Subjects, and Disturbance of the Pub-'lic Peace of the Kingdom; and that therefore 'the Lords should be moved to require his Attend-'ance) he should, nevertheless, be of that Credit 'with your Majesty, as to be sent away, by your 'own Warrant, to Sir *John Pennington*, to land 'him beyond the Sea; from whence he vented his 'own traiterous Conceptions, *That your Majesty 'should declare yourself, and retire to a Place of 'Strength in this Kingdom*, as if your Majesty 'could not be safe among your People; and, with-'all, took that transcendent Boldness to write to the 'Queen, offering to entertain Correspondence with 'her Majesty by Cyphers, intimating some Service 'which he might do in those Parts, for which he 'desired your Majesty's Instructions; whereby, in 'all Probability, he intended the procuring of some 'foreign Force, to strengthen your Majesty in that 'Condition into which he would have brought 'you; which false and malicious Counsel and Ad-'vice, we have great Cause to doubt, made too 'deep an Impression in your Majesty; considering 'the Course you are pleased to take, of absenting 'yourself from your Parliament, and carrying the 'Prince with you; which seems to express a Pur-'pose in your Majesty, to keep yourself in a Rea-'diness for the acting of it.

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'The manifold Advertiſements which we have 'had from *Rome*, *Venice*, *Paris*, and other Parts, 'that they ſtill expect that your Majeſty has ſome 'great Deſign in Hand, for the altering of Reli-'gion, and breaking the Neck of your Parliament; 'that you will yet find Means to compaſs that De-'ſign; that the *Pope*'s Nuncio hath ſollicited the 'Kings of *France* and *Spain* to lend your Majeſty '4000 Men a-piece, to help to maintain your Roy-'alty againſt the Parliament: And this foreign 'Force, as it is the moſt pernicious and malignant 'Deſign of all the reſt, ſo we hope it is, and ſhall 'always be, farthest from your Majeſty's Thoughts; 'becauſe no Man can believe you will give up your 'People and Kingdom to be ſpoiled by Strangers, 'if you did not likewiſe intend to change both 'your own Profeſſion in Religion, and the public 'Profeſſion of the Kingdom; that ſo you might 'ſtill be more aſſured of thoſe foreign States of the 'Popiſh Religion, for your future Support and De-'fence. [r].

'Theſe are ſome of the Grounds of our Fears 'and Jealouſies, which made us, ſo earneſtly, to 'implore your Royal Authority and Protection for 'our Defence and Security, in all the Ways of 'Humility and Submiſſion; which being denied 'by your Majeſty, ſeduced by evil Counſel, we do, 'with Sorrow for the great and unavoidable Mi-'ſery and Danger which thereby is like to fall up-'on your own Perſon and your Kingdoms, apply 'ourſelves to the Uſe of that Power, for the Se-'curity and Defence of both, which, by the Fun-'damental

[r] When this Clauſe was read in the Houſe of Commons, Sir *Ralph Hopton* told them, 'That they therein accuſed the King for being an Apoſtate to his Religion, not only in his own Perſon, but of endeavouring to bring in his People to the ſame Apoſtacy and Idolatry; for which the Commons ſent him to the *Tower*.'——But he was diſcharged a few Days after. *Com. Journ.*

Lord *Clarendon* adds, 'That Sir *Ralph Hopton* objected to ſome ſharp Expreſſion in the Declaration, (before it paſſed the Houſe, and when the Queſtion was, whether it ſhould paſs) as being too diſtant from that Reverence which ought to be uſed to the King; and that, in relation to this Clauſe, he ſaid, They ſeemed to ground an Opinion of the King's Apoſtacy upon a leſs Evidence than would ſerve to hang a Fellow for ſtealing a Horſe.' Vol. 1. p. 448.

'damental Laws and Conſtitutions of this King- An. 17. Car. I.
'dom, reſides in us; yet ſtill reſolving to keep our- 1641.
'ſelves within the Bounds of Faithfulneſs and Al- March.
'legiance to your Sacred Perſon and your Crown.

'As to the ſecond Sort of Jealouſies and Fears of 'us, expreſſed by your Majeſty, we ſhall give a 'ſhorter, but as true and as faithful an Anſwer.

'Whereas your Majeſty is pleaſed to ſay, *That 'for your Reſidence near the Parliament, you wiſh it 'might be ſo ſafe and honourable, that you had no 'Cauſe to abſent yourſelf from* Whitehall: This we 'take as the greateſt Breach of Privilege of Parlia- 'ment that can be offered; as the heavieſt Miſery 'to yourſelf, and Imputation upon us, that can 'be imagined, and the moſt miſchievous Effects of 'evil Counſels; it roots up the ſtrongeſt Founda- 'tion of the Safety and Honour which your Crown 'affords; it ſeems, as much as may be, to caſt upon 'the Parliament ſuch a Charge as is inconſiſtent 'with the Nature of that Great Council, being the 'Body whereof your Majeſty is the Head; it ſtrikes 'at the very Being both of King and Parliament; 'depriving your Majeſty, in your own Apprehen- 'ſion, of their Fidelity, and them of your Protec- 'tion, which are the mutual Bands and Supports 'of Government and Subjection.

'We have, according to your Majeſty's Deſire, 'laid our Hands upon our Hearts; we have aſked 'ourſelves in the ſtricteſt Examination of our Con- 'ſciences; we have ſearched our Affections and 'our Thoughts; conſidered our Actions; and we 'find none that can give your Majeſty any juſt Oc- 'caſion to abſent yourſelf from *Whitehall* and the 'Parliament; but that you may, with more Ho- 'nour and Safety, continue there than in any other 'Place.

'Your Majeſty lays a general Tax upon us; yet 'if your Majeſty will be graciouſly pleaſed to let 'us know the Particulars, we ſhall give a clear and 'ſatisfactory Anſwer: But what Hope can we have 'of ever giving your Majeſty Satisfaction, when

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'those Particulars which you have been made to believe were true, yet, being produced and made 'known to us, appeared to be false; and your Majesty, notwithstanding, will neither punish nor 'produce the Authors, but go on to contract new 'Jealousies and Fears, upon general and uncertain 'Grounds, affording us no Means or Possibility of 'particular Answer to the clearing of ourselves; for 'Proof whereof, we beseech your Majesty to consider these Instances:

'The Speeches alledged to be spoken in a Meeting of divers Members of both Houses at *Kensington*, concerning a Purpose of restraining the Queen 'and Prince; which, after it was denied and disavowed, yet your Majesty refused to name the 'Authors, tho' humbly desired by both Houses.

'The Report of Articles framed against the 'Queen's Majesty, given out by some of near Relation to the Court; but when it was publickly 'and constantly disclaimed, the Credit seemed to 'be withdrawn from it; but the Authors being 'kept safe, will always be ready for Exploits of 'the same Kind; wherewith your Majesty and the 'Queen will be often troubled, if this Course be 'taken to cherish and secure them in such wicked 'and malicious Slanders.

'The heavy Charge and Accusation of the Lord *Kimbolton* and the five Members of the House of 'Commons, who refused no Trial or Examination which might stand with the Privilege of Parliament; yet no Authors, no Witnesses produced, against whom they may have Reparation for 'the great Injury and Infamy cast upon them; 'notwithstanding three several Petitions of both 'Houses, and the Authority of two Acts of Parliament vouched in the last of those Petitions.

'We beseech your Majesty to consider in what 'State you are; how easy and fair a Way you have 'to Happiness, Honour, Greatness, Plenty, and 'Security, if you will join with the Parliament 'and your faithful Subjects, in Defence of the Re-

'ligion

'ligion and Public Good of the Kingdom: This is all we expect from you, and for this we shall return to you our Lives, Fortunes, and uttermost Endeavours to support your Majesty in your just Sovereignty and Power over us: But it is not Words that can secure us in these our humble Desires. We cannot but too well, and sorrowfully, remember what gracious Messages we had from you this Summer, when, with your Privity, the bringing up the Army was in Agitation; we cannot but, with the like Affections, recall to our Minds, how, not two Days before you gave Directions for the above-mentioned Accusation, and your own Coming to the Commons House, that House receiv'd from your Majesty a gracious Message, *That you would always have the same Care of their Privileges, as of your own Prerogative; of the Safety of their Persons, as of your own Children.* That which we expect, and which will give us Assurance that you have no Thought but of Peace and Justice to your People, must be some real Effect of your Goodness to them, in granting those Things which the present Necessity of the Kingdom doth inforce us to desire: And, in the first Place, that your Majesty will be graciously pleased to put from you those wicked and mischievous Counsellors, which have caused all these Dangers and Distractions; and to continue your own Residence, and the Prince's, near *London*, and the Parliament: This, we hope, will be a happy Beginning of Contentment and Confidence betwixt your Majesty and your People, and be followed with many succeeding Blessings of Honour and Greatness to your Majesty, and of Security and Prosperity to them.'

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After reading this Declaration a Debate ensued, and the Question being put, it was resolved to agree with the House of Commons in this Declaration, and that it be presented to the King: A Committee of both Houses being appointed accordingly,

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Againſt which ſome Peers enter a Proteſt.

Earl of LINDSEY, *Lord Great Chamberlain.*	*Lord* GREY.
Earl of SOUTHAMPTON.	*Lord* RICH.
E. of NORTHAMPTON.	*Lord* HOWARD *de* Charlton.
Earl of DEVON.	*Lord* SAVILE.
Earl of CLEVELAND.	*Lord* DUNSMORE.
Lord MOWBRAY.	*Lord* SEYMOUR.
Lord WILLOUGHBY *de* Eresby.	*Lord* CAPEL.

In the Afternoon of this Day, the Lords received a Meſſage from the Commons, deſiring their Lordſhips to ſit a-while, having ſome Buſineſs to communicate to them of high Importance. Soon after came Mr. *Pymme*, and preſented to the Houſe ſome Reaſons, which, he ſaid, the Houſe of Commons thought fit to be delivered to the King; either in Writing, or by Word of Mouth, along with the foregoing Declaration. The Reaſons were read in theſe Words:

Additional Reaſons in Support of the foregoing Declaration.

'THE Lords and Commons have commanded us to preſent unto your Majeſty this further Addition to their former Declaration.

'That your Majeſty's Return, and Continuance 'near the Parliament, is a Matter, in their Apprehenſion, of ſo great Neceſſity and Importance 'towards the Preſervation of your Royal Perſon 'and your Kingdoms, that they cannot think they 'have diſcharged their Duties in the ſingle Expreſſion of their Deſire, unleſs they add ſome further 'Reaſons to back it with.

1*ſt*, 'Your Majeſty's Abſence will cauſe Men 'to believe, that it is out of Deſign to diſcourage 'the Undertakers, and hinder the other Proviſions 'for raiſing Money for Defence of *Ireland*.

2*dly*, 'It will very much hearten the Rebels 'there, and diſaffected Perſons in this Kingdom, as 'being an Evidence and Effect of the Jealouſy and 'Diviſion betwixt your Majeſty and your People.

3*dly*,

3*dly*, 'That it will much weaken and withdraw the Affection of the Subject from your Majesty, 'without which a Prince is deprived of his chiefest 'Strength and Lustre, and left naked to the great-'est Dangers and Miseries that can be imagined. An. 17. Car. I. 1641. March.

4*thly*, 'That it will invite and encourage the 'Enemies of our Religion, and the States in foreign 'Parts, to the attempting and acting of their evil 'Designs and Intentions towards us.

5*thly*, 'That it causeth a great Interruption in 'the Proceedings of Parliament.

'These Considerations threaten so great Danger 'to your Majesty's Person, and to all your Domi-'nions, that, as your Majesty's Great Council, they 'hold it necessary to represent to you this their 'faithful Advice, that so, whatsoever followeth, 'they may be excused before God and Man.'

These Reasons were also voted by the Lords, to be presented at the same Time with the Declaration. [s]

March 8. This Day a Letter from the King, directed to the Lord-Keeper, Speaker of the House of Peers, was opened and read, *viz.*

CHARLES *R.*

Right Trusty and Well-beloved Counsellor, we greet you well,

WE have thought good hereby to certify, That we did, on the third of January *last, deliver unto our Attorney-General certain Articles of Accusation, ingrossed in a Paper, (a Copy whereof we have sent here inclosed) and did then command him, in our Name, to acquaint our House of Peers, that divers great and treasonable Designs and Practices against us and the State, had come to our Knowledge; for which we did command him, in our Name, to accuse the six Persons, in the said Paper mentioned of High Treason,* The King's Letter excusing the Attorney-General.

[s] These additional Reasons are in the *Journals*: The Declaration itself is not there; but they were both published together by Order of Parliament.

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Treason, and other High Misdemeanors, by delivering the Paper to the said House, &c. [as before recited.]

We further declare, That our said Attorney did not advise or contrive the said Articles, nor had any Thing to do with, or in, advising any Breach of Privilege that followed after; and for what he did, in Obedience to our Commands, we conceive he was bound by his Oath and the Duty of his Place, and by the Trust by us reposed in him, so to do; and had he refused to have obeyed us therein, we would have questioned him for the Breach of his Oath, Duty, and Trust: But now having declared, That we find Cause wholly to desist from proceeding against the Persons accused, we have commanded our Attorney to proceed no farther therein, nor to produce or discover any Proofs concerning the same.

Given at our Court at *Royston*, the fourth Day of *March*, 1641.

Which the Lords lay by, and proceed on his Trial.

The Lords, conceiving this Letter to be a Prelimiting the Judgment of their House, resolv'd to proceed in the Business against the Attorney-General, directly; and to take this Letter into Consideration afterwards, as a Matter of great Consequence. A Message was also sent to the Commons, to inform them of the Letter, and that their Lordships were ready to proceed against the Attorney-General, if they would send a Committee of their House to manage the Evidence. Accordingly

Serjeant *Wylde*'s Speech at opening the Evidence against him.

The Committee being come, the Lord-Keeper told them they might begin their Evidence; whereupon Mr. Serjeant *Wylde*, one of them, said, 'That they were commanded and appointed by the House of Commons, to make good their Charge against Sir *Edward Herbert*, Knt. his Majesty's Attorney-General; a Person of Eminency in the Common Law, both eminent in Place, and eminent in Crime; the Nature and Deformity of which was set forth in the Impeachment, which he desired might be read.

Then he observed, That his Charge was of three Parts:

1*st*,

1*ſt*, 'The adviſing and contriving of theſe foul Articles. An. 17. Car. I. 1641. March.

2*dly*, 'The publiſhing and exhibiting of them in this Houſe.

3*dly*, 'The Falſhood, Scandal, Malice, and other Ingredients, mix'd and incorporated ſo together, that they could no more be ſeparated than Blackneſs from the *Æthiopian*; or, if they could be ſeparated, yet each of them was ſufficient to call for Judgment againſt Mr. Attorney.

'He then mention'd the exhibiting of theſe Articles, *Jan.* 3, 1641, and they were read out of the *Journal-Book* of that Day.

'Alſo the King's Proclamation, reciting, That his Attorney-General, by his Majeſty's Command, had accuſed the ſix Members of High Treaſon in the Houſe of Lords. Likewiſe his Majeſty's Letter to *Dover*, and other Ports, for the apprehending of them, reciting that they were accuſed by the Attorney-General. Next he deſired that Mr. Attorney's Anſwer might be read; wherein, he ſaid, There was Matter enough to condemn him: In which he confeſſed the exhibiting the Paper of Articles, as a Meſſage from his Majeſty, and by his Command; on which it was recorded in the Clerk's Book; put into a Courſe of Proceeding; a Committee appointed for Examination of Witneſſes, under a Command of Secrecy; and a Deſire to the Lords that their Perſons might be ſecured.

'Theſe were the Steps and Degrees of his Proceedings; but, in his Anſwer, he denies the adviſing and contriving of theſe Ariticles; and ſaith, That he was ſo far from that, that he knew nothing at all of them, till he received this Command from his Majeſty for the exhibiting of them; being ſent for, immediately before, by his Majeſty for that Purpoſe. But this, he ſaid, was ſo far from Satisfaction to the Houſe of Commons, or Qualification of the Offence, that it aggravated and augmented it.

'For the exhibiting and promoting of thoſe Articles, is, in Judgment of Law, an evident Demonſtration

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ſtration of his Contrivance of them: As, in the Caſe of ſtolen Goods, the Receipt and Poſſeſſion of them is an Evidence, to a Jury of Life and Death, of the ſtealing of them, unleſs the Party can ſhew how he came by them. In Caſe of Trover and Converſion of Goods, tho' the Denial of them, upon Demand, be no Converſion in Law, whereon to ground an Action, upon *Not guilty* pleaded; yet it is a good Evidence to a Jury to find him guilty of the Converſion. In Caſe of a Libel, the Finder and Publiſher ſhall be adjudged the Author and Contriver of it, unleſs he can produce ſome other Author.

So, in this Caſe, the publiſhing and exhibiting of [illegible] Articles, by the Attorney-General, is a clear Evidence that he contrived them; the one doth neceſſarily imply the other. The Contriving, without the Publiſhing, is but an Inception of an Offence; the Publiſhing is the Conſummation of it, and therefore the more heinous. The Publiſher is the grand Offender; he blows the Coals and the Trumpet. If it could be imagined that there was another Author, or Contriver of theſe, than Mr. Attorney [illegible], yet the Exhibiting and Proſecuting of theſe [illegible] Offence is heavy, as needs no other additional Weight to preſs him down to the Ground; who, by ſuch an Act of Injuſtice and falſe Accuſation, would ſo grievouſly have oppreſſed them. Miſchiefs, hatch'd in the Brain, are only miſchievous to the Inventor; but the Vegetation and Life is from the Publiſher; he gives Motion and Agitation to it, which, otherwiſe, would be but an abortive and inanimate Creature.

'But for the Excuſe, under which he ſeeks to ſhelter himſelf, that is, The King's Command, this adds more to his Offence; a foul Aſperſion on his Majeſty, and a Wrong to his gracious Maſter; for he could not but know that the King's Command, in Things illegal, is utterly fruſtrate, and of no Effect: His Patents and Grants, if againſt the Crown, in Matter of Intereſt, are meerly void, *quod in Deceptione Regis*; if againſt the Weal-Public, they

they are *ipso Jure vacua*; much more his Command, in Matters criminal, becauſe no Action lies againſt him. An. 17. Car. I. 1641. March.

'The Serjeant, next, proceeded to cite ſeveral Caſes, from the *Statute-Books*, *Rolls* of *Parliament*, *Reports*, and even *Magna Charta*, to prove, That the Attorney-General had broken all thoſe Laws, and infringed all thoſe Liberties; even the Rights of Parliament, by which no Member of either Houſe ought to be impeached, either for Felony, Treaſon, or other Offences, without repreſenting the Cauſe firſt to that Houſe whereof he is a Member, and their Conſent and Direction therein deſired: For, otherwiſe, all Members of each Houſe may be pulled out, one after another, upon a Pretence of Treaſon; which, perhaps, he ſaid, was now Mr. Attorney's Deſign.

'Beſides, he ſaid, That the Attorney had done contrary to his Oath, in this Buſineſs; for he is ſworn to the King, duly and truly to iſſue out the King's Writs, and give the King true Advice according to Law; which, in this Action, he had not done, contrary to his Oath.

'The Serjeant then ſaid, That many aggravating Circumſtances might be added; as, the Attorney's Profeſſion and Knowledge in the Law; his long Experience in the Courſe and Privileges of the High Court of Parliament, having been ſo often, and of late, a Member of the Houſe of Commons, and obliged to them by many Favours; and now an Aſſiſtant or Attendant in the Houſe of Lords: Then conſidering the Qualities of the Perſons accuſed; their ſingular Parts, Integrity, and Merit; their indefatigable Labours and Travail for the Public Good, which could not expect ſuch a Reward as this, the odious Name of Traitors: The woful and dangerous Conſequences that have, *de Facto*, enſued upon this; for, by Colour of theſe Articles, they were proclaimed, poſted, and ſold up and down, for Traitors; they were hunted and ſought for by Officers, demanded even from the Horns of the Altar; their Studies, Chambers, and Trunks

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Trunks ſealed up; the Houſe of Commons ſtrongly beſieged; their Privileges ſtrangely invaded; their laſt and uttermoſt Hopes ready to be confounded. As theſe are beyond Expreſſion, ſo the Conſequences that might have happen'd are beyond Imagination; Bloodſhed, Horror, Devaſtation, and Confuſion; all the Evils, Dangers, Troubles, and Diſtractions which have happened ſince, and what now the Houſes lie under, may be imputed to this Act of Mr. Attorney.

'Had he ſtood in the Gap, and humbly beſought or adviſed the Forbearance of this, or declined the doing of it, as in all Equity he ought to have done, all theſe Miſeries had been prevented; and a happy Reconciliation, in all Likelihood, ſettled between his Majeſty and his People before this Time. It remains, therefore, that he who, willingly, judicially, and upon Record, hath contracted to himſelf the Guilt of all theſe Evils and Calamities, ſhould receive, from their Lordſhips, ſuch a Meaſure of Puniſhment as may make the Fact more odious, and himſelf the Mark of their exemplary Juſtice to this and after Ages.'

The Attorney deſires to anſwer by his Counſel;

Serjeant *Wylde* having made an End of this Charge, deſired, That if Mr. Attorney would make any Anſwer to it, he might ſpeak himſelf; but the Attorney deſired that his Counſel might be heard for him: To this the Serjeant objected, and ſaid, That they were a Committee repreſenting the Houſe of Commons, and it did not ſtand with the Dignity of that Houſe to have Counſel come to contront them. He further alledged, That this Offence of Mr. Attorney's had been voted, by both Houſes of Parliament, an high Breach of the Privileges of Parliament, which no Counſel can, neither ought they to judge of. And becauſe it concerned the Houſe of Commons, in an high Degree, in their Privileges, as well as it did their Lordſhips, he deſired that Mr. Attorney might not be allowed Counſel, but that he might ſpeak for himſelf.

The

The Attorney replied, That their Lordſhips had been pleaſed, upon his humble Petition, to aſſign him Counſel in this Cauſe; that his Anſwer is put in by their Advice, and they are ready to maintain it; which if their Lordſhips ſhould not allow of, he was not provided to make a Defence to his Charge; therefore deſired their Lordſhips to hear him by his Counſel, and the Committee to take the Judgment of the Houſe upon it. An. 17. Car. I. 1641. March.

Hereupon both Sides being commanded to withdraw, the Lords put themſelves into a Committee, for the more free Debate in this Matter; it being a mixed Caſe, conſiſting of Breach of Privilege of Parliament, Matter of Fact, and Matter of Law. The Houſe being reſumed, the Queſtion was put, Whether Mr. Attorney ſhould have Counſel, in Matter of Privilege, in this Caſe? and it was reſolved in the Affirmative. The Committee of the Houſe of Commons, the Attorney and his Counſel, being call'd in again, were told of this Reſolution; and that their Lordſhips had appointed to proceed further in this Cauſe the next Day at One of the Clock. Which the Lords agree to.

March 9. After reading a long Petition from Sir *Philip Carteret*, concerning the preſent Condition of the Iſle of *Jerſey*, which was referred to the Committee for the Defence of this Kingdom, the Lords proceeded in the Attorney-General's Cauſe; and his Counſel were told, that they were to begin with aſſiſting him in his Defence, upon their Perils. The Counſel crav'd their Lordſhips Pardon therein, for they came not now provided for his Defence; becauſe the Buſineſs concern'd the Privilege of Parliament, as was alledged Yeſterday.

The Lords, not being ſatisfied with this Anſwer, directed the Attorney and his Counſel to withdraw; and, upon Conſideration of it, it was ordered, That they ſhould be commanded to give a direct Anſwer, ſeverally, Whether they would plead or not; and if they would not, it ſhould be taken as a Denial.

Being

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Being call'd in again, the Lord-Keeper commanded them to proceed; when Sir *Thomas Beddingfield*, one of the Counſel, anſwered, He deſired Time to prepare for it, not being now provided. Sir *Thomas Gardiner*, Recorder of *London*, another Counſel, anſwered in like Manner. The reſt of them ſaid, That they were willing to plead now, at their Lordſhips Command, and thought it was their Duty ſo to do; but the chief Part of Mr. Attorney's Defence being committed to the aforeſaid Gentlemen, by that Means they were not provided now, but deſired ſome further Time, as their Lordſhips ſhould pleaſe to appoint. On this, all being commanded to withdraw again, the Lords conſidering the Refuſal of Sir *Thomas Beddingfield* and Sir *Thomas Gardiner*, to plead, as a Contempt of that Houſe, ordered them both to be committed to the *Tower*, there to remain during the Pleaſure of the Houſe: And further ordered, That if Mr. Attorney deſire other Counſel, in the room of the former, that he bring in the Names of ſuch as he deſires, the next Morning, for the better expediting of this Cauſe.

March 10. The Attorney made his humble Petition to the Lords, That they would aſſign him Mr. Serjeant *Green* and Mr. Serjeant *Pheaſant*, as Counſel, in the room of the former two committed; which was granted, and *Saturday* the twelfth Inſtant was peremptorily appointed to proceed in that Buſineſs.

March 12. The Lords appointed to preſent the Parliament's Declaration to the King, reported, That they had done ſo at *Newmarket*, and that the next Day they had received the following Anſwer:

The King's Speech to the Committee, on their preſenting the laſt Declaration to him, at *Newmarket*.

I Am confident that you expect not I ſhould give you a ſpeedy Anſwer to this ſtrange and unexpected Declaration; and I am ſorry, in the Diſtractions of this Kingdom, you ſhould think this Way of Addreſs to be more convenient than that propoſed by my Meſſage, of the 20*th of* January *laſt, to both Houſes.*

As

As concerning the Grounds of your Fears and Jealousies, I will take Time to answer particularly, and doubt not but I shall do it to the Satisfaction of all the World. God, in his good Time, will, I hope, discover the Secrets and Bottoms of all Plots and Treasons, and then I shall stand right in the Eyes of all my People. In the mean Time, I must tell you, That I rather expected a Vindication for the Imputation laid on me in Mr. Pymme's *Speech, than that any more general Rumours and Discourses should get Credit with you.* An. 17. Car. I. 1641. March.

For my Fears and Doubts, I did not think they should have been thought so groundless or trivial, while so many seditious Pamphlets and Sermons are looked upon, and so great Tumults are remembered, unpunished, uninquired into. I still confess my Fears, and call God to witness, that they are greater for the true Protestant Profession, my People, and Laws, than for my own Rights or Safety; though I must tell you, I conceive that none of these are free from Danger.

What would you have? Have I violated your Laws? Have I denied to pass any one Bill for the Ease and Security of my Subjects?——I do not ask you what you have done for me.

Have any of my People been transported with Fears and Apprehensions? I have offered as free and general a Pardon, as yourselves can devise. All this considered, there is a Judgment from Heaven upon this Nation, if these Distractions continue.

God so deal with me and mine, as all my Thoughts and Intentions are upright, for the Maintenance of the true Protestant Profession, and for the Observation and Preservation of the Laws of this Land; and I hope that God will bless and assist those Laws for my Preservation.

As for the Additional Declaration, you are to expect an Answer to it, when you shall receive the Answer to the Declaration itself.

A Narrative of some remarkable Passages that happened between the King and the Committee of both Houses, upon delivering the foregoing Declaration

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ration to his Majesty, was published at this Time, as follows: [a]

Remarkable Passages on that Occasion.

'When his Majesty heard that Part of the Declaration, which mentioned Mr. *Jermyn*'s Transportation, his Majesty interrupted the Earl of *Holland* in reading, and said, *That's false*. Which being afterwards touched upon again, his Majesty then said, '*Tis a Lie*. And when he was inform'd, 'It related not to the Date, but the Execution of 'the Warrant:' His Majesty said, *It might have been better expressed then, and that it was a high Thing to tax a King with Breach of Promise*. As for this Declaration, his Majesty said, *I could not have believed the Parliament would have sent me such a one, if I had not seen it brought by such Persons of Honour. I am sorry for the Parliament, but glad I have it; for, by that, I doubt not to satisfy my People, tho', I am confident, the greater Part is so already. Ye speak of ill Counsels; but I am confident the Parliament hath had worse Informations than I have had Counsels.* His Majesty asking, *What he had denied the Parliament?* the Earl of *Holland* instanced that of the Militia: His Majesty replied, *That was no Bill:* The Earl of *Holland* then said, 'It was a 'necessary Request at this Time:' And his Majesty also then said, *He had not denied it.*

The next Day, when his Majesty delivered his Answer, which was read by the Earl of *Holland* to the rest of the Committee; and that being done, his Lordship endeavour'd to persuade his Majesty to come near the Parliament: His Majesty answered, *I would you had given me Cause, but I am sure this Declaration is not the Way to it; and in all* Aristotle's *Rhetorics there is no such Argument of Persuasion.* The Earl of *Pembroke* thereupon telling him, 'That the Parliament had humbly besought his Majesty to come near them as aforesaid:' His Majesty replied,

[a] *London*, printed for *William Gaye*, 1642.

The Printer of this was questioned for it afterwards in the House of Lords; but upon his saying, That he had the Copy from the Lord-Keeper's Clerk, he was dismissed.

plied, *He had learned by our Declaration that Words were not ſufficient.* His Majeſty being again moved by the Earl of *Pembroke*, to expreſs what he would have, ſaid, *He would whip a Boy in* Weſtminſter *School that could not tell that by his Anſwer.* And further ſaid, *They were much miſtaken, if they thought his Anſwer to that a Denial.* And being aſked by the ſaid Earl of *Pembroke*, 'Whether the Militia might not be granted, as was deſired by the Parliament, for a Time,' his Majeſty ſwore *By God, not for an Hour; you have aſked that of me in this, which was never aſked of a King, and with which I will not truſt my Wife and Children.*

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His Majeſty added, *The Buſineſs of* Ireland *will never be done in the Way you are in. Four hundred will never do that Work; it muſt be put into the Hands of One. If I were truſted with it, I would pawn my Head to end that Work; and though I am a Beggar myſelf, yet,* ſpeaking with a ſtrong Aſſeveration, *I can find Money for that.*

The foregoing Anſwer being read, the Lords ordered the Attorney-General and his Counſel to be called in, and proceed in his Defence. Serjeant *Pheaſant* deſired to be excuſed from pleading in a Buſineſs which required ſo much Pains to attend, by reaſon of his bodily Infirmities; and the other, Serjeant *Green*, ſaying, That, being aſſigned ſo lately to this Buſineſs, he found it ſo intricate to be put in a Method, and the Records to be peruſed ſo many, that he could not, upon ſo ſhort Warning, undertake to make the Defence: He therefore humbly craved their Lordſhips to excuſe him then, and allow him ſome further Time to prepare himſelf for this Purpoſe.

Farther Proceedings in the Trial of the Attorney-General.

But, upon Conſideration of this, the Lords reſolved to allow no longer Time; on which Mr. *Hearne*, another of the Attorney's Counſel, deſired that the Impeachment might be read; which being done, he ſaid, That, for the Matter of Fact, nothing appears by way of Charge, but the Exhibiting of the Articles; and that no Witneſs was produced, in all the Cauſe, to prove any Crime;

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that there was but an Impeachment and a Denial, and no Act proved but what was confeſſed, which is the Exhibiting the Articles. He further alledged, That whereas the Attorney was charged to do the Fact maliciouſly, he did nothing but by the Command of the King, and knew not of the Articles untill they were delivered to him by his Majeſty.

Next Mr. *Chute*, another of Mr. Attorney's Counſel, argued, 'That it was the Duty of the Attorney to proſecute the King's Cauſes, in all Courts of Record, when he ſhall be called, and be Aſſiſtant in all theſe Matters; to this Purpoſe he read the Attorney's Oath. Further he alledged, That the King's *Datum eſt nobis intelligi*, is Warrant enough to the Attorney to proceed againſt any Perſon, as in the Record of *Edward* III. *Rot.* 38. where *William*, Archbiſhop of *York*, upon *Datum eſt nobis intelligi*, was brought before the King and his Counſel, and proſecuted by the Attorney-General. He alſo urged the Reports of the Judges in the Earl of *Arundele*'s Caſe, 1 & 2. *Caroli*, *April* 1626.

He ſaid, 'That the Attorney General is bound, by his Oath, to proceed in all Courts of Record, tho' the King gave him no Command; and that in Parliament he hath proſecuted a Commoner at large, as 31. of *Edward* I. *Rot.* 22. where *Nicholas de Segrave* was ſummoned, by the Sheriff of *Northampton*, to appear *Coram Domino Rege in proximo Parliamento ſuo, apud* Weſtmonaſterium *primo Adventu Domini Regis, ibidem ad audiendum Voluntatem Domini Regis, ſuper hiis quæ tunc ibidem proponere intenderet verſus eum; et ad faciendum et recipiendum ulterius quod Curia Domini Regis conſideraret in Premiſſis.* The ſaid *Nicholas Segrave* appearing in Parliament, he was proſecuted for the King, and accuſed by *Nicholas de Warwick*, That he maliciouſly ſtirred up Diſcord and Contention againſt *John de Crumbwell*, who was employed by the King in the War againſt the *Scots*. A Day being given to make Anſwer, *Segrave* ſubmitted and acknowledged his Offence: Upon this the King deſired the Advice of the Lords, what Puniſhment ſhould be inflicted upon

upon *Segrave* for such a Fact, so fully and expressly confessed; the Lords gave this Judgment, That, for his Fault, he deserved to lose his Life; yet the King, out of his special Grace and Piety, remitted the Judgment of Life and Members; and ordered the said *Nicholas Segrave* to find seven good and sufficient Men to be Bail for him, Body for Body. An. 17. Car. I. 1641. March.

In *eodem Rotulo*, the like Accusation was of *Nicholas de Kingston* and *Robert Archard*: Also 4 *Edward* III. *Rot.* 7. N°. 16. Sir *Thomas Berkeley* and *John Multravers* were prosecuted in Parliament, for the Murder of King *Edward* II. and were tried and acquitted by a Jury. And 4. *Rot.* 7. N°. 17. *Ralf de Ferrers* was prosecuted in Parliament, upon Suspicion of Treason: So in the Parliament 17 *Richard* II. N°. 20. *Thomas Talbot*, Chevalier, was accused in Parliament, for conspiring the Death of two of the King's Uncles.'

The Counsel having spoken concerning the Matter of Fact, Mr. Attorney made his own Defence to that which concerned the Matter of Privilege of Parliament; and cited the Case of *Philip Courtney*, 16. *Richard* II. N°. 16, and the Case of the Earl of *Arundele*, and his Remonstration made therein, *April* 19, 2. *Caroli*. He also insisted, lastly, on the Case of the Earl of *Bristol*, the same Year. And concluded with observing, That he did not conceive any Thing urged against him could make up the Crime that he is charged with, but only the Vote, passed by both Houses, touching the Breach of the Privileges of Parliament; and so submitted himself to the Justice of that House.

Nothing more done in this Cause at this Time: But Sir *Thomas Beddingfield* and Sir *Thomas Gardiner*, on their humble Petition to the Lords, were released from the *Tower*.

March 15. The Lords were employed about *Irish* Affairs, *&c.* 'till this Day, when they again took the Cause of Mr. Attorney into Consideration,

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What Judgment was to be given on the Impeachment of the Houſe of Commons againſt him? After a long Debate, it was put to the Queſtion,

The Lords Reſolutions thereupon.

1. Whether, upon the whole Matter, Mr. Attorney had committed a Crime for which he ought to be ſentenced by that Houſe? Reſolved in the Affirmative. [d]

2. Whether the Attorney-General, for his Offence, ſhall loſe his Place? Reſolved in the Negative. Againſt this Vote the following Lords enter'd their Diſſent;

Earl of NORTHUMBERLAND.	*Lord* HASTINGS.
Earl of ESSEX.	*Lord* WILLOUGHBY de Parham.
Earl of LEICESTER.	*Lord* ST. JOHN.
Earl of WARWICK.	*Lord* SPENCER.
Earl of HOLLAND.	*Lord* PAGET.
Earl of BOLINGBROKE.	*Lord* GREY de Werk.
Earl of STAMFORD.	*Lord* Roberts.

3. Whether the Attorney-General ſhall pay a Fine to the King for his Offence? Reſolved in the Negative; the ſame Lords, as above, diſſenting.

4. Whether Mr. Attorney ſhall pay Damages for this Offence to the Parties that were accuſed?

5. Whether the Attorney ſhall be committed to the *Tower* for this Offence?

Both theſe were, alſo, reſolved in the Negative; the ſame Lords ſtill diſſenting.

The Sentence, at laſt, agreed upon againſt Mr. Attorney, will appear in the Proceedings of the enſuing Month.

Several Votes of the Commons, for putting the Kingdom into a State of Defence, &c.

In the Afternoon of this Day, a Meſſage was brought up from the Houſe of Commons, to acquaint the Lords with ſome Votes that had paſſed their Houſe; to which they deſired their Lordſhips Concurrence, as thoſe Votes were to be the Heads for a Declaration to be drawn up by a Committee: They were theſe: *1ſt*,

[d] Lord *Clarendon* omits the Firſt Reſolution, which has led him into ſome very great Miſtakes in his Remarks on the Proceedings againſt the Attorney-General: Mr. *Ruſhworth* has omitted all theſe Reſolutions of the Lords, and Serjeant *Wylde*'s Speech at opening the Evidence againſt him; as alſo the Attorney's and his Counſels Defence at the Bar of the Houſe of Lords.

1*st*, 'That the Kingdom hath been of late, and still is, in so evident and imminent Danger, from Enemies abroad, and from a Popish and discontented Party at home, that there is an urgent and inevitable Necessity of putting his Majesty's Subjects into a Posture of Defence, for the Safeguard both of his Majesty and his People.' The Lords agreed with the Commons in this Vote, the following Lords dissenting,

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Earl of BATH,	*Earl of* NEWPORT,
Earl of SOUTHAMPTON,	*Lord* DUNSMORE,
Earl of CLEVELAND,	*Lord* CAPEL.

2*dly*, 'That the Lords and Commons, fully apprehending this Danger, and being sensible of their own Duty to provide a suitable Prevention, have, in several Petitions, addressed themselves to his Majesty, for the ordering and disposing of the Militia of this Kingdom, in such a Way as was agreed upon by the Wisdom of both Houses to be the most effectual and proper for the present Exigencies of the Kingdom; yet could not obtain it, but his Majesty did several Times refuse his Royal Assent thereto.'

Agreed to by the Lords.

3*dly*, 'That in case of extreme Danger, and of his Majesty's Refusal, the Ordinance agreed on by both Houses, for the Militia, doth oblige the People, and ought to be obeyed by the Fundamental Laws of this Kingdom.'

The Question being put, Whether the Judges should be heard, in point of Law, as to this Vote, it passed in the Negative; and, upon another Question, the said Vote was also agreed to. A Protest was entered, in Form, against the third Vote, and against the Resolution for not consulting the Judges; but it does no more than repeat the two Questions, and their Dissent from them. The Lord *Lovelace*'s Name is the only additional one to those last mentioned.

4*thly*, '*Resolved*, upon the Question, That these shall be the Heads of a Declaration.'

Agreed to.

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5*thly*, 'Resolved, That such Persons as shall be nominated Deputy-Lieutenants, and approved of by both Houses, shall receive the Commands of both Houses, and execute their Offices.'

Which are agreed to by the Lords.

Agreed to; the Earl of *Southampton* and Lord *Dunsmore* only dissenting.

These Votes of both Houses were ordered to be printed, and a Committee appointed to meet the next Day and draw up a Declaration upon them.

The same Day Sir *William Lewis* reported the Commons Answer to the King's Reply, concerning Mr. *Pymme*'s Speech relating to Passes into *Ireland*; which was agreed to, and ordered to be sent to his Majesty, by Lord *Compton* and Mr. *Baynton*; as follows:

May it please your Majesty,

The Commons Answer to the King's Reply about Mr. *Pymme*'s Speech.

'YOUR Majesty's most humble and faithful Subjects, the Knights, Citizens and Burgesses of the Commons House of Parliament, having considered your Majesty's Reply to their Answer, touching such Persons as have been licensed by your Majesty to pass into *Ireland*, do most humbly beseech your Majesty to believe, That they shall always, with Thankfulness and Joy, receive from your Majesty any satisfactory Answer to their just Requests: And, as they hope they shall find in your Majesty a Readiness to rectify those Things, which have been done to their Prejudice, so will they be careful to remove all Apprehensions of their Actions or Speeches, which may seem to cast any Dishonour upon your Majesty.

'For your Majesty's better Satisfaction concerning the positive Affirmation, *That many of the chief Commanders, now in the Head of the Rebels, (after the Ports were stopped by Order of both Houses) have been suffered to pass by your Majesty's immediate Warrant*: May it please your Majesty to consider, That, herein, they have affirmed

'no-

'nothing but what they had Cauſe to believe was 'true; the Grounds whereof they humbly preſent 'to your Majeſty. An. 17. Car. I. 1641. March

'The *firſt* Ground is this, That both Houſes 'of Parliament, (having, upon your Majeſty's Re-'commendation, taken into their Care the Suppreſ-'ſion of the Rebellion in *Ireland*) had Reaſon to be 'eſpecially watchfull over the Ports; becauſe the 'Rebels, abounding in Numbers of Men for the 'moſt Part ignorant of the Uſe of Arms, could by 'no Means become dangerous or formidable to this 'Kingdom, but by the Acceſs of Soldiers and Com-'manders; wherewith they were like to be furniſh-'ed either out of *France* or *Flanders*; from both 'which Places the Paſſage into *Ireland* is ſpeedy 'and eaſy through this Kingdom: And therefore 'they could not chuſe but be very ſenſible of what-'ſoever gave Liberty or Opportunity to ſuch a Paſ-'ſage, as of a very hurtful and dangerous Grie-'vance; for Prevention whereof they did, upon 'the ſeventh of *November*, agree upon an Order, 'and reſtrain all Paſſage into *Ireland*, but upon due 'and ſtrict Examination, by ſuch Perſons as were 'truſted to make thoſe Licences.

'A *ſecond* Ground that the other Licence, grant-'ed to the Lord *Delvin*, and then acknowledged 'by your Majeſty's Anſwer, was ſuch, (both in re-'gard of the Perſons to whom they were granted, 'and the Extent of the Words in which they were 'granted) as were apt to produce ſuch an Effect 'as is mentioned in that poſitive Affirmation; that 'is, *To open a Way for the Paſſage of Papiſts and 'other dangerous Perſons to join with the Rebels, 'and to be Heads and Commanders amongſt them*, 'is thus proved.

'The firſt Warrant granted to Colonel *Butler* '(ſince the Order of Reſtraint by both Houſes of 'Parliament) did extend to all Ports of *England* and 'Scotland; and did give free Paſſage to himſelf and 'to his Company, without any Qualification of 'Perſons, or Limitation of Number; and this Colo-'nel was himſelf a Papiſt, had a Brother in the

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'Rebellion, and General of the Rebels in *Munster*; 'was expected, and very much desired, by those 'Rebels, who, for a long Time, had kept a Regi- 'ment to be commanded by him, as we have been 'credibly informed.

'The second was granted to a Son of the Lord '*Netterville*, which Lord had four Sons in *England* 'since the Rebellion; one of which is settled in '*England*, three others intended to pass into *Ireland*, 'and were all dangerous Persons, being Papists, bred 'in the Wars in the Service of the King of *Spain*, 'and one of them lately become a Jesuit.

'The third, to the Lord *Delvin*, extends to him- 'self and four Persons more unnamed; that one 'of those, who should have past with him, is ta- 'ken to be a Jesuit; and another, who calls himself '*Pluncket*, seems to be a Man of some Breeding 'and Quality, and like to have been serviceable to 'the Rebels, and to have done Mischief, if he had 'gone over.

'The fourth to Sir *George Hamilton* and three 'more unnamed; this Gentleman is likewise a pro- 'fess'd Papist, and may be doubted to be of the Par- 'ty of the Rebels; one of that Name being men- 'tioned in the Instructions of *Sempil*, the Jesuit, a- 'mongst divers other dangerous Persons of the Po- 'pish Party in *Scotland* and *Ireland*; which Instruc- 'tions were found in a Ship stayed in *Cornwall*, 'which was going into *Ireland* with divers Jesuits, 'Soldiers, and others, for the Encouragement of 'the Rebels.

'A third Ground is this, That, by Virtue and 'Authority of these Licences, several Persons have 'passed over, which now are in actual Rebellion, 'and have Command amongst the Rebels; which 'is thus proved:

'One Captain *Sutton* did, by Virtue and Autho- 'rity of your Majesty's Licence, embark at *White- 'haven*, in the Company of Colonel *Butler*, and 'was driven back by foul Weather; whereupon 'the Colonel stayed, and went to *Chester*; but that 'Captain re-embarked himself in the same Bottom,

'from

'from whence he paſſed into *Ireland*, where he went into the Rebellion with the Lord *Dunſany*; and hath ſince obtained the Place of a Colonel amongſt the Rebels, as we are credibly informed. An. 17. Car. I. 1641. March.

'Two of the Sons of the Lord *Netterville*, one a Jeſuit, and the other a Soldier, paſſed into *Ireland*, in *December* laſt; both of them by Virtue of your Majeſty's Warrant, as we have Cauſe to believe, for that they went both together in one Ship; and the Licence, acknowledg'd to be granted by your Warrant, muſt needs be granted to one of them; ſeeing the other Brother, who lately endeavoured to paſs over, did produce no Licence, and upon his Examination doth abſolutely deny that he had any.

'A fourth Ground, which we humbly offer to your Majeſty, is this, That your Majeſty cannot be aſſured that no other did paſs upon your Licence, as your Majeſty doth conceive, and are pleaſed to expreſs in your Anſwer; and that we had great Cauſe to believe that divers others had paſſed over by your Warrant, beſides the Perſons aforementioned; and that for theſe Reaſons:

1*ſt*, 'Becauſe we received ſuch a general Information, *That divers, now in the Head of the Rebels, were paſſed by your Majeſty's Licence*; which being true in Part, and eaſy to be effected, in regard of the Nature and Extent of the Warrants; and probable to be attempted, in regard of the Subtilty and Vigilancy of that Party to make uſe of all Advantages, ſeemed to deſerve Credit; which we ſhould not have given to it, if it had been a naked Information without ſuch Circumſtances.

2*dly*, 'Becauſe we had concurring Advertiſements from *Ireland* and *Cheſter*, that divers Prieſts, Jeſuits, and Popiſh Commanders had paſſed over, and were landed there; and particularly ſome of Colonel *Butler*'s Company; and that the Officers of the Ports had kept no Entry of the Names of theſe Perſons, or of the Warrants by which they were tranſported.

'Theſe

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'These, we hope, will be sufficient to persuade 'your Majesty to believe, That as we had some 'Cause to give Credit to the said Informations, so 'we had no Intention to make any ill Use of them 'to your Majesty's Dishonour; but did impute the 'Blame to your Ministers, who might have been 'more careful to have informed your Majesty of 'the Quality of those Persons named in your Li-'cences; and so to have limited them, that they 'might not have extended to others, as they did, 'how many and dangerous soever.

'And they pray your Majesty to rest assured, 'That they shall always be tender of your Honour 'and Reputation with your good Subjects; and, 'for this Cause, have made this true Declaration of 'the full State of this Matter, that they may think 'no otherwise of it than the Truth; and, in all 'Things, shall labour to establish a good Under-'standing and Confidence betwixt your Majesty 'and your People, which they heartily desire and 'pray for, as the chiefest Means of preserving the 'Honour, Safety, and Prosperity of your Majesty, 'and your Kingdoms.'

March 16. This Day the Lord-Keeper delivered to the House a Letter, directed to himself, and a Message in it, from the King to the Lords, dated from *Huntingdon*, *March* 15; which was read *in hæc Verba:*

The King's Message from *Huntingdon*, relating to *Ireland*, the Militia, &c.

HIS Majesty being now in his Remove to his City of York, *where he intends to make his Residence for some Time, thinks fit to send this Message to both Houses of Parliament:*

That he doth, very earnestly, desire that they will use all possible Industry in expediting the Business of Ireland, *in which they shall find so chearful a Concurrence by his Majesty, that no Inconvenience shall happen to that Service by his Absence; he having all that Passion for the reducing of that Kingdom, which he hath expressed in his former Messages; and being unable, by Words, to manifest more Affection to it, than he*

he hath endeavoured to do by those Messages; having likewise done all such Acts as he hath been moved unto by his Parliament: Therefore, if the Misfortunes and Calamities of his poor Protestant Subjects there shall grow upon them, (though his Majesty shall be deeply concerned in, and sensible of, their Sufferings) he shall wash his Hands before all the World, from the least Imputation of Slackness in that most necessary and pious Work. An. 17. Car. I. 1641. March.

And that his Majesty may leave no Way unattempted, which may beget a good Understanding between him and his Parliament; he thinks it necessary to declare, That as he hath been so tender of the Privileges of Parliament, that he hath been ready and forward to retract any Act of his own, which he hath been informed hath trenched upon their Privileges; so he expects an equal Tenderness in them of his Majesty's known and unquestionable Privileges, which are the Privileges of the Kingdom; amongst which, he is assured, it is a Fundamental one, That his Subjects cannot be obliged to obey any Act, Order, or Injunction, to which his Majesty hath not given his Consent: And therefore he thinks it necessary to publish, That he expects, and hereby requires, Obedience, from all his loving Subjects, to the Laws established; and that they presume not, upon any Pretence of Order or Ordinance to which his Majesty is no Party, concerning the Militia, or any other Thing, to do or execute what is not warranted by those Laws; his Majesty being resolved to observe all the Laws Himself, and to require Obedience to them from all his Subjects.

And his Majesty once more recommends to his Parliament the Substance of his Message of the 20th of January *last, That they compose and digest, with all Speed, such Acts, as they shall think fit, for the present and future Establishment of their Privileges; the free and quiet enjoying their Estates and Fortunes; the Liberties of their Persons; the Security of the true Religion now professed in the Church of* England; *the maintaining his Majesty's Regal and Just Authority, and settling his Revenue; his Majesty being most desirous to take all fitting and just Ways, which may beget*

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beget a happy Understanding between him and his Parliament, in which he conceives his greatest Power and Riches do consist.

The Lords, taking this Message into Consideration, ordered, That it should be communicated to the House of Commons at a Conference; which being done accordingly,

Lord *Roberts*'s Report of a Conference held thereupon.

Mr. *Denzil Holles* made the following Report: 'That the Lord *Roberts*, who was appointed by the Lords for that Purpose, said, That he was commanded, by the Lords, to deliver what is their Sense of this Message; and to represent their Observations.

1. 'Concerning the Militia; the Lords do still insist upon the Declaration of both Houses, notwithstanding any Thing expressed in this Message.

2. 'The Lords made some Observations out of the Matter of the Message, and out of the Circumstances of Time and Place.

'For the King's Removal, so far as *York*, from the Parliament; and the great Inconveniency that should happen thereby to the Kingdom of *Ireland*, by reason of his Absence; the Lords taking it into Consideration, do conceive his Majesty's removing so far as *York*, must, of Necessity, be an Obstruction, and may be a Destruction of that Kingdom.

'The next Particular out of the Message is, concerning the Privilege of Parliament, and the Laws of the Land: The Lords are of Opinion, That when the Parliament, which is the Supreme Court of this Kingdom, shall declare what the Law of the Land is, to have that not only questioned and controverted, but contradicted, and a Command that it should not be obeyed, is a Breach of the Privilege of Parliament.

'The next Observation they had, was, from the Time, and Place: For by comparing this with the Votes that passed both Houses Yesterday, it is, as it were, a Contradiction of those Votes: They do either think there was some prophetical Spirit in it, that this should be so express an Answer to those Votes, or that it was framed nearer hand:

And

And therefore desire, that it may be referred to a Committee to examine the same.' [r]

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Soon after the Lords sent for *Francis Taylor*, the Messenger, and asked him of whom he had the Letter he brought from the King; he said, he had the Letter from a Servant of the Lord *Falkland*, Secretary of State, last Night, at Nine o'Clock, and he brought it and delivered it to the Lord-Keeper.

Then the Bill *For clearing the Lord* Kimbolton *and the five Members from a feign'd Charge of High Treason*; also another Bill *For raising Money for the great Affairs of the Kingdoms of* England *and* Ireland, was read a third Time by the Lords, and passed.

'*Ordered*, That the Clerk of the Crown, in *Chancery*, do forthwith draw up two Commissions, and prepare them ready for the Great Seal, for his Majesty's Royal Assent to be given to these two Bills.

March 17. The Commons sent up a Message to the Lords, by Mr. *Denzil Holles*, That they had taken into serious Consideration the Matter of the last Conference, and the King's last Message; That they had also passed some Votes concerning their Sense of the same, to which they desired their Lordships Concurrence, *viz.*

Votes of the Commons in consequence thereof,

'*Resolved*, That this House shall insist upon their former Votes concerning the Militia.

'*Resolved*, That the King's Absence, so far remote from his Parliament, is not only an Obstruction, but may be a Destruction, to the Affairs of *Ireland*.

'*Resolved*, That when the Lords and Commons in Parliament, which is the Supreme Court of Judicature in the Kingdom, shall declare what the Law of the Land is, to have This not only questioned and controverted, but contradicted, and a Com-

[r] Lord *Clarendon* observes, 'That he never knew both Houses in more Choler and Rage, than upon receiving this Message; which came so early to them, that they concluded that it could not be sent from the King, but that it had been inserted in Blanks left in the Town for such Purposes.'

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Command that it ſhould not be obeyed, is a high Breach of the Privilege of Parliament.

'*Reſolved*, That a Committee ſhall be appointed by this Houſe to join with a Committee of the Lords, to inquire where this Meſſage was framed.

'*Reſolved*, That thoſe Perſons that adviſed his Majeſty to abſent himſelf from the Parliament, are Enemies to the Peace of this Kingdom, and juſtly to be ſuſpected to be Favourers of the Rebellion in *Ireland*.

'*Reſolved*, That theſe Perſons that adviſed his Majeſty to this Meſſage are Enemies to the Peace of this Kingdom.' [q]

Which are agreed to by the Lords.

All theſe Votes were agreed to by the Lords.

March 18. The Lords made ſeveral Orders about the Contribution-Money for *Ireland*, and ſeveral private Cauſes were entered into. A Meſſage came up from the Houſe of Commons, deſiring their Lordſhips to ſit a-while, for they ſhould have Occaſion to come up to them about a Buſineſs of Importance. The Lords conſented; but, after waiting ſome Time in Expectance, they ſent a Meſſage to the Commons, That they had ſat a-while, but had then adjourned till the next Morning, at Nine o'Clock.

March 19. It was not till the Afternoon of this Day, that a Meſſage was brought up from the Houſe of Commons, deſiring a Conference about an Anſwer to the King's laſt Meſſage from *Newmarket*; as, alſo, concerning ſome Informations the Commons had received, touching the Affairs of the Kingdom. This Conference being held, the Lord-Keeper

[q] In *Huſbands*'s and *Rushworth*'s *Collections* the following Words, *juſtly to be ſuſpected to be Favourers of the Rebellion in* Ireland, are added to the laſt Reſolution as well as to that foregoing; but it appears by the *Journals* of the 17th, That the Commons reſolved to ſtrike theſe Words out of the Reſolution relating to the Adviſers of the King's Meſſage; and finding ſome falſe Copies had been printed, they gave Orders for the printing a true Copy, under the Care of a Committee, and deſired the Houſe of Lords to take the ſame Precaution.——Probably this Alteration was made in the laſt Vote, out of Reſpect to the Lord *Falkland*, then Secretary of State; who ſeems to have been the Penman of the King's Meſſage.

Keeper reported it back to the Lords, to this Effect: An. 17. Car. I. 1641. March.

'That the Houſe of Commons had received ſeveral Informations from abroad, concerning a Deſign to invade *England*, the Letters of which were read, importing, That the Lord *Digby* had got together 30 or 40,000 Men, at *Elſeneur*, in *Denmark*, and a Fleet of Ships ready to convey them to *Hull*. This Information was given abroad by one *James Hanley*, a Maſter of a Ship, who ſaid he was treated with to ſerve as Pilot to this Fleet. Report of a Conference concerning ſome Informations touching an Invaſion of *England*, &c.

'The next Information was from a *Frenchman*, who was Servant to Monſ. *Freeze*, Son to the Lord Chancellor of *Denmark*, who ſaid, That he came lately from *Denmark*, and heard there of Levies of Men; and at *Hamburgh* he heard, that thoſe Levies were deſigned for *England*.

'The Commons offered theſe concurrent Proofs to make the Information more conſiderable.

Firſt, 'The Endeavours to have put the Earl of *Newcaſtle* into *Hull*, and his coming thither under a feigned Name.

Next, 'The Expreſſions in Lord *Digby*'s Letters; and his Majeſty's withdrawing himſelf into thoſe Parts, notwithſtanding the Advice of his Parliament.

'To this the Commons added another Information they had received, concerning a *French* Fleet going for *Ireland*, from another Maſter of a Ship, who met them ſteering that Way.

'Theſe were ſome Materials for their Fears, and a further Cauſe for a Continuance of their Diſtractions and Jealouſies, and of purſuing the Courſe already agreed on, for ſecuring the Kingdom, and putting the Subjects in a Poſture of Defence.

'It was further delivered at this Conference, That a Meſſage, with all Speed, be ſent to his Majeſty, to anſwer ſome Things in his late Speech to the Committee of Lords and Commons, at *Newmarket*, which ſeem to reflect upon the Honour of both Houſes; to intimate to him the Contents of thoſe Advices received out of *Holland*; and to renew the Deſires of both Houſes for his Majeſty's Return to his Parliament.

Alſo

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Propositions of the Commons relating to *Hull* and the Northern Counties.

'Also the House of Commons desired their Lordships Concurrence to the following Propositions:

First, 'That a Command of both Houses be sent to *Hull*, by Express, to the Governor there to suffer no foreign Ships to come into that Harbour, without strict Examination; and that he receive no *English*, or other Forces into that Town, but such as both Houses shall advise or direct him to receive, and keep that Town for his Majesty's Service, and the Security of the Kingdom.

'The next Proposition related to giving Instructions to the Lord-Admiral to take special Care to guard the Seas; to search all Ships passing between *Holland* and *Hull*; and to enquire what Preparations of Land or Sea Forces are making at *Elsineur*.

'*Lastly*, The Lord-Lieutenants and High-Sheriffs of the Northern Counties were to be ordered, from both Houses, to suppress all Forces which shall be raised in those Parts without the Direction of Parliament; and to take special Care of *Newcastle*, *Hull*, and other Towns on those Coasts.

'Then was reported a Letter, without a Name, dated, *Newmarket*, *March* 8, 1641, sent to Mr. *Pymme*, intimating, That the Navy will be treacherous to the Parliament; that Forces will be sent out of *France* into *Ireland*; that Declarations from the King will be printed of the Grievances of Parliament; and that some of the Members of the House of Commons betray all their Doings, and send the King the Heads of their Intents and Resolutions.'

This Report being ended, the Lords took it into Consideration; and, after a serious Debate, the Commons Answer to the King's last Message was read and agreed to; the Earl of *Bath*, with the Lords *Mowbray*, *Grey*, *Dunsmore*, and *Capel* dissenting.

The first Proposition concerning Sir *John Hotham*'s not admitting Forces into *Hull*, was objected to, because of these Words, *Without the Advice or Direction of both Houses of Parliament*; and it was re-

resolved to propose that it should run, *Without the King's Authority signified by both Houses of Parliament.* An. 17. Car. I. 1641. March.

The *second* Proposition was wholly agreed to, and ordered accordingly.

To the *third*, That the Lieutenants and Sheriffs should take Care to suppress Insurrections, *&c.* it was resolved to be put to the Commons, Whether it was not a Weakening to a former Order of both Houses, given to Sheriffs, *&c.* for suppressing unlawful Assemblies.

Resolved to have another Conference with the Commons about these Emendations.

The House of Commons sent up, by Sir *John Colepeper*, Chancellor of his Majesty's *Exchequer*, a Bill of Subsidy of Tonnage and Poundage, *&c.* on Merchandize imported or exported; which the Lords read a first Time.

The same Day the King's Commission was read for passing one Bill, intitled, *An Act for the speedy and effectual reducing of the Rebels in his Majesty's Kingdom of* Ireland; when the Commons being sent for, the Royal Assent was given with the usual Ceremonies. This Act respected the Adventurers, in that Kingdom, already mentioned.

March 21. This Day the Conference was held about the late Propositions, when the Commons would not agree with the Lords in the Alteration of that about *Hull*; but adhered to the first. As to the other about Sheriffs, the Commons conceived it was no Weakening of their former Order: But to make it clearer, a Letter might be writ to that Effect to the Lord-Lieutenants and the Sheriffs: Upon which the Lords agreed to all as they were first proposed. Which the Lords at length agree to.

Mr. *Glynne*, one of the Committee on the Bill against the Bishops, made a Report of it to the House, on which they came to the following Resolutions:

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'*Reſolved*, &c. That a Queſtion ſhall be put upon every particular Biſhop.

'*Reſolved*, &c. That, by this Bill, the Archbiſhop of *York* ſhall not forfeit the Inheritance of his Temporal Eſtate.'

Reſolutions of the Commons againſt the impeach'd Biſhops.

The like Queſtion was put upon *Thomas* Biſhop of *Durham*, and ſo, ſeverally, on all the reſt, and reſolved negatively. But, upon another Queſtion, Whether the Archbiſhop and the reſt, ſeparately, ſhould, by that Bill, forfeit the Profits and Iſſues of their Temporal Eſtates, Freehold Lands, and Lands of Inheritance, during their Lives? it was carried in the Affirmative.

'*Reſolved*, That the Archbiſhop of *York* ſhall be allowed 100 *l. per Annum*.

March 22. The following Meſſage, to be ſent to the King, from both Houſes, was this Day read by the Lords, and agreed to, and ordered to be preſented to the King, by a Committee of both Houſes.

May it pleaſe your Majeſty,

Anſwer of both Houſes to the King's laſt Meſſage from *Newmarket*.

'YOur Majeſty's moſt loyal Subjects, the Lords and Commons in Parliament, cannot conceive 'that the Declaration which your Majeſty received 'from us at *Newmarket*, was ſuch as did deſerve that 'Cenſure your Majeſty was pleaſed to lay upon us, 'in that Speech which your Majeſty made to our 'Committees there, and ſent in Writing to both 'Houſes: Our Addreſs therein, being accompa-'nied with Plainneſs, Humility, and Faithfulneſs, 'we thought more proper for the removing the 'Diſtractions of the Kingdom, than if we had then 'proceeded according to your Majeſty's Meſſage of 'the twentieth of *January*; by which your Majeſty 'was pleaſed to deſire, That we would declare 'what we intended to do for your Majeſty, and 'what we expected to be done for ourſelves: In 'both which we have been very much hindered by 'your Majeſty's Denial to ſecure us and the whole 'Kingdom, by diſpoſing the Militia, as we had di-'vers Times moſt humbly petition'd; and yet we have

'have not been altogether negligent of either, having lately made good Proceedings in preparing a Book of Rates to be paſs'd in a Bill of Tonnage and Poundage, and likewiſe the moſt material Heads of thoſe humble Deſires, which we intended to make to your Majeſty, for the Good and Contentment of your Majeſty and your People: But none of theſe could be perfected before the Kingdom be put into Safety, by ſettling the Militia; and untill your Majeſty ſhall be pleaſed to concur with your Parliament in thoſe neceſſary Things, we hold it impoſſible for you to give the World, or your People, ſuch Satisfaction concerning the Fears and Jealouſies which we have expreſſed, as we hope your Majeſty hath already received, touching that Exception which you were pleaſed to take to Mr. *Pymme*'s Speech. An. 17. Car. I. 1641. March.

'As for your Majeſty's Fears and Doubts, the Ground whereof is from ſeditious Pamphlets and Sermons, we ſhall be as careful to endeavour the Removal, as ſoon as we ſhall underſtand what Pamphlets and Sermons are by your Majeſty intended, as we have been to prevent all dangerous Tumults: And if any extraordinary Concourſe of People, out of the City of *Weſtminſter*, had the Face and Shew of Tumult and Danger, in your Majeſty's Apprehenſion, it will appear to be cauſed by your Majeſty's Denial of ſuch a Guard to your Parliament, as they might have Cauſe to confide in; and by taking, into *Whitehall*, ſuch a Guard for yourſelf, as gave juſt Cauſe of Jealouſy to the Parliament, and of Terror and Offence to your People.

'We ſeek nothing but your Majeſty's Honour, and the Peace and Proſperity of your Kingdoms; and we are heartily ſorry we have ſuch plentiful Matter of an Anſwer to that Queſtion, *Whether you have violated our Laws?* We beſeech your Majeſty to remember, that the Government of this Kingdom, as it was in a great Part managed by your Miniſters, before the Beginning of this Parliament, conſiſted of many continued and multiplied Acts of Violation of Laws; the Wounds

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'whereof were ſcarcely healed, when the Extremity 'of all thoſe Violations was far exceeded by the 'late ſtrange and unheard-of Breach of our Laws, 'in the Accuſation of the Lord *Kimbolton* and the 'five Members of the Commons Houſe, and in the 'Proceedings thereupon; for which we have yet 'received no full Satisfaction.

'To your Majeſty's next Queſtion, *Whether you 'had denied any Bill for the Eaſe and Security of 'your Subjects?* We wiſh we could ſtop in the 'Midſt of our Anſwer, That with much Thank-'fulneſs we acknowledge that your Majeſty hath 'paſſed many good Bills, full of Contentment and 'Advantage to your People; but Truth and Ne-'ceſſity inforce us to add this, That, even in or 'about the Time of paſſing thoſe Bills, ſome De-'ſign or other hath been on Foot, which, if it had 'taken Effect, would not only have depriv'd us of 'the Fruit of thoſe Bills, but have reduced us to a 'worſe Condition of Confuſion than that wherein 'the Parliament found us.

'And if your Majeſty had aſked us the third 'Queſtion intimated in that Speech, *What we have 'done for yourſelf?* Our Anſwer would have been 'much more eaſy; That we have paid two Armies, 'wherewith the Kingdom was burden'd laſt Year; 'and have undergone the Charge of the War in '*Ireland*, at this Time; when, thro' many other 'exceſſive Charges and Preſſures, your Subjects 'had been exhauſted, and the Stock of the King-'dom very much diminiſhed: Which great Miſ-'chiefs, and the Charges thereupon enſuing, have 'been occaſioned by the evil Counſels, ſo powerful 'with your Majeſty, which have, and will, coſt this 'Kingdom more than two Millions; all which, in 'Juſtice, ought to have been borne by your Majeſty.

'As for the *free and general Pardon*, your Ma-'jeſty hath been pleaſed to offer, it can be no Secu-'rity to our Fears and Jealouſies, for which your 'Majeſty ſeems to propound it; becauſe they ariſe 'not from any Guilt of our own Actions, but from 'the evil Deſigns and Attempts of others.

'To

'To this our humble Anſwer to that Speech, we desire to add an Information, which we lately received from the Deputy-Governor of the Merchant-Adventurers at *Rotterdam*, in *Holland*, That an unknown Perſon, appertaining to the Lord *Digby*, did lately ſollicit one *James Henley*, a Mariner, to go to *Elſineur*, and to take Charge of a Ship in the Fleet of the King of *Denmark*, there prepared, which he ſhould conduct to *Hull*; in which Fleet likewiſe, he ſaid, a great Army was to be tranſported: And although we are not apt to give Credit to Informations of this Nature, yet we cannot altogether think it fit to be neglected, but that it may juſtly add ſomewhat to the Weight of our Fears and Jealouſies; conſidering with what Circumſtances it is accompanied;—of the Lord *Digby*'s preceding Expreſſions, in a Letter to her Majeſty, and Sir *Lewis Dives*;—and your Majeſty's ſucceeding Courſe of withdrawing yourſelf Northward from your Parliament, in a Manner very ſuitable to, and correſpondent with, that evil Counſel; which we doubt will make much deeper Impreſſion in the Generality of your People: And, therefore, we moſt humbly adviſe and beſeech your Majeſty for the Procuring and Settling the Confidence, both of your Parliament and all your Subjects, and for the other Reaſons concerning the Recovery of *Ireland* and Security of this Kingdom, which have been formerly preſented to your Majeſty, that you will be graciouſly pleaſed, with all convenient Speed, to return to theſe Parts, and to cloſe with the Counſel and Deſire of your Parliament; where you ſhall find their dutiful Affections and Endeavours ready to attend your Majeſty, with ſuch Entertainment as ſhall not only give your Majeſty juſt Cauſe of Security in their Faithfulneſs, but other manifold Evidences of their earneſt Intentions and Endeavours to advance your Majeſty's Service, Honour, and Contentment; and to eſtabliſh it upon the ſure Foundation of the Peace and Proſperity of all your Kingdoms.'

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Another Order about *Hull*, ſent up by the Commons, was read and agreed to by the Lords, much to the ſame Purpoſe, but ſtronger than the former: 'The Governor, Sir *John Hotham*, was to take Care no foreign Ships ſhould enter that Port, without ſtrict Examination of their Strength, Burden, *&c.* No *Engliſh*, or other Forces whatſoever, to be ſuffered to enter, but thoſe already appointed to be the Garriſon there; and ſuch other as, by the Wiſdom and Authority of both Houſes of Parliament, ſhall be adviſed and directed to be received and kept, for the better Guard and Defence of the Town and Magazine therein remaining, for his Majeſty's Service and the Security of the Kingdom. In the doing whereof the Mayor of the ſaid Town, and all other his Majeſty's Officers and Subjects, were commanded to be aiding and aſſiſting to the ſaid Governor, as they would anſwer the contrary at their Peril.'

Orders of both Houſes concerning *Hull*,

The ſame Day, *March* 22, the Commons ſent up to acquaint the Lords with a Vote which they had paſſed, and to which they deſired their Lordſhips Concurrence, *viz.* 'That when the Lords and Commons in Parliament ſhall declare what the Law of the Land is: To have this not only queſtioned and controverted, but contradicted, and a Command given that it be not obeyed, is a high Breach of the Privilege of Parliament.' To this the Lords agreed; as they could do no leſs, ſince they had before given their Opinion, almoſt in the very ſame Words, at the Conference occaſioned by the King's Meſſage from *Huntingdon*.

Next, ſeveral Orders of the Houſe of Commons were read concerning the Lord-Lieutenants of the Counties, and their new Ordinance about the Militia. The Commons deſired to know if the old Lord-Lieutenants had brought in all their Commiſſions, as was formerly ordered by both Houſes. The Names of the Deputy-Lieutenants to be taken, and ſent to the Commons for their Approbation, *&c.*

And the Lieutenants of the Militia.

Agreed to by the Lords.

The

The Lord-Admiral gave in a Paper of an Information he had got, by ſending a diſcreet Perſon on the Coaſt of *France*, to diſcover the Number of their Ships of War and Land Forces in their ſeveral Ports; by which it appeared there were ſome Preparations making of Men and Shipping; but to what Purpoſe, the Informant ſaid not. An. 17. Car. I. 1641. March.

March 23. There had been a Bill ſent up by the Commons, intitled, *An Act for aſſerting of ſome Privileges, lately broken, and to prevent the Breaking thereof in Time to come:* It was this Day debated in the Houſe of Lords a long Time; and, after the Debate, it was recommitted to conſider further of it, and report the ſame to the Houſe.

The Lords making an Order 'That the Archbiſhop of *Canterbury* ſhould confer the Preſentation of St. *Leonard's*, *Foſter-Lane*, according to a former Order, upon *George Smith*, Clerk; upon that Occaſion it was moved, That, conſidering the Power the Archbiſhop of *Canterbury* hath in Eccleſiaſtical Matters, whereby the Church is ſtill troubled, notwithſtanding his Impriſonment; the Houſe of Commons ſhould be ſent to, to be deſir'd that they would proceed to make good their Impeachment of High Treaſon againſt him, that ſo he might receive Judgment according to his Demerit: Alſo to move the Commons, that they would proceed againſt the reſt of the Delinquents with all convenient Speed. The Trial of the Archbiſhop of *Canterbury*, &c. ordered to be haſtened.

The Meſſengers ſent with this Meſſage to the Commons, return'd with this Anſwer, 'That they would proceed with all thoſe that are impeached by that Houſe with all convenient Speed.' But this Anſwer was immediately followed by a Meſſage, ſent by the Commons, importing, 'That whereas their Houſe formerly brought up a Declaration, containing the Cauſes of Grievances, with ſome Remedies propoſed for curing the ſame, they deſire their Lordſhips would pleaſe to take it into ſpeedy Conſideration, and join with the Houſe of Commons

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mons therein; it being a Matter of great Importance.'

The Commons also desired, That the Judges might be proceeded against, who are impeached by them, and that their Lordships would please to appoint a Day for the same, and the Commons would be ready to make good their Charge against them. On this the Lords ordered that the Report of the Declaration of Grievances, *&c.* should be made the next Morning; and that the Judges should put in their Answers to the Impeachment on the 31st Instant.

March 24. The Lord *Compton* reported, That, according to the Command of the Commons, he and Mr. *Baynton* did attend his Majesty at *York*; that they arrived there on *Saturday* last, and presented his Majesty with the Reply of that House, concerning the Passage in Mr. *Pymme*'s Speech, touching some Commanders now in the Head of the Rebels, *&c.* and received his Majesty's Answer, in Writing, on *Monday* Morning; which was read, and was *in hæc Verba:*

The King's Answer to the Commons Reply concerning a Passage in Mr. *Pymme*'s Speech;

HIS Majesty hath seen and considered the Message, presented to him by the Lord Compton *and* Mr. Baynton, *the nineteenth of* March, 1641, *at* York, *touching such Persons as have been licenced by his Majesty to pass into* Ireland.

Though he will not insist upon what little Reason they had to suspect, that some Ill-affected had passed into Ireland, *under Colour of his Majesty's Licence, Inferences being slender Proofs to ground Belief upon; yet he must needs avow, that, for any Thing that is yet declared, he cannot see any Ground, why Mr.* Pymme *should so boldly affirm, before both Houses of Parliament,* That, since the Stop upon the Ports, by both Houses, against all *Irish* Papists, many of the chief Commanders now in the Head of the Rebels, have been suffered to pass, by his Majesty's immediate Warrant; *for as yet there is not any particular Person named, that is now so much as*

in

in Rebellion, much leſs in the Head of the Rebels, to whom his Majeſty hath given Licence: And therefore, according to his Majeſty's Reply upon that Subject, his Majeſty expects, that his Houſe of Commons publiſh ſuch a Declaration, whereby this Miſtaking may be cleared; that ſo all the World may ſee his Majeſty's Caution in giving of Paſſes; and likewiſe that his Miniſters have not abuſed his Majeſty's Truſt, by any ſurreptitious Warrant.

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And, laſtly, *his Majeſty expects, that henceforth there be more Warineſs uſed, before ſuch public Aſperſions be laid; unleſs the Grounds be before-hand better warranted by ſufficient Proofs.*

The Lords had petitioned the King to remove Sir *John Pennington* from being Commander of the Fleet, to which he return'd this Anſwer, *viz.* *That his Majeſty ſees no Reaſon why he ſhould give Way to the Alteration of him, who was firſt made Choice of by the Lord-Admiral, for that Charge, and approved of by himſelf: Therefore his Majeſty cannot, in Honour and Juſtice, appoint any other for that Charge than Sir* John Pennington; *of whoſe Ability and Integrity his Majeſty hath had ſo long and good Experience.*

As alſo to the Lords Petition, for the Removal of Sir *John Pennington* from the Command of the Fleet;

The Earl of *Warwick* was the Perſon nominated to the King for that Truſt, by the Lords; who, when they received this Meſſage, ſent it down to the Commons, with a Deſire that both Houſes ſhould join in a Petition to the King, That the ſaid Earl might command in Chief, in this Summer's Fleet, and to preſent what Reaſons are thought proper for the Purpoſe.

The Lord-Keeper acquainted the Houſes, That he had received a Letter from the King, dated at *York*, *March* 21, 1641, with a Declaration incloſed, in Anſwer to that from the Parliament, preſented, at *Newmarket*, the ninth Inſtant; both which he was commanded to communicate to their Lordſhips. The Declaration run in theſe Words:

Though

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THough the Declaration, lately presented to us at Newmarket, *from both our Houses of Parliament, be of so strange a Nature, (in respect of what we expected, after so many Acts of Grace and Favour to our People) and some Expressions in it so different from the usual Language to Princes, that we might well take a very long Time to consider of it; yet the Clearness and Uprightness of our Conscience to God, and Love to our Subjects, hath supplied us with a speedy Answer; and our unalterable Affection to our People prevailed with us to suppress that Passion, which might well enough become us upon such an Invitation.*

And to the Parliament's Declaration, presented to him at *Newmarket*.

We have reconsidered our Answer of the second of this Month at Theobalds, *which is urged to have given just Cause of Sorrow to our Subjects. Whosoever looks over that Message, (which was in Effect to tell us, that if we would not join with them, in an Act which we conceived might prove prejudicial and dangerous to us and the whole Kingdom, they would make a Law without us, and impose it upon our People) will not think that sudden Answer can be excepted to.*

We have little Encouragement to Replies of this Nature, when we are told of how little Value our Words are like to be with you, though they come accompanied with all the Actions of Love and Justice, (where there is Room for Actions to accompany them) yet we cannot but disavow the having any such evil Counsel or Counsellors about us, to our Knowledge, as are mentioned; and if any such be discovered, we will leave them to the Censure and Judgment of our Parliament: In the mean Time we could wish, that our own immediate Actions which we avow, and our own Honour, might not be so roughly conjured and wounded, under that common Style of evil Counsellors.

For our faithful and zealous Affection to the true Protestant Profession, and our Resolution to concur with our Parliament in any possible Course for the Propagation of it, and Suppression of Popery, we can say no more than we have already expressed in our Declaration to all our loving Subjects, published in

Ja-

January *last, by the Advice of our Privy-Council* [illegible] Car. I.
which we endeavoured to make as lively a Character [illegible]
of ourself, in this Point, as we were able, and [illegible] March.
assured that the constant Practice of our Life [illegible]
answerable thereunto; and therefore we did rather
expect a Testimony and Acknowledgment of such our
Zeal and Piety, than those Expressions we met with
in this Declaration, of any Design of altering Reli-
gion in this Kingdom. And we do, out of the Inno-
cence of our Soul, wish that the Judgments of Heaven
may be manifested upon those who have, or had, any
such Design.

As for the Scots *Troubles; we had well thought*
that those unhappy Differences had been wrapt up in
perpetual Silence, by the Act of Oblivion; which be-
ing solemnly passed in the Parliaments of both King-
doms, stops our Mouth from any further Reply, than
to shew our great Dislike for reviving the Memory
thereof.

If the Rebellion in Ireland, *so odious to all Chri-*
stians, seems to have been framed and maintained
in England, *or to have any Countenance from hence,*
we conjure both our Houses of Parliament, and all our
loving Subjects whatsoever, to use all possible Means
to discover and find out such, that we may join in
the most exemplary Vengeance upon them that can be
imagined: But we must think ourself highly and
causelessly injured in our Reputation, if any Declara-
tion, Action, or Expression of the Irish *Rebels; any*
Letter from Count Rosetti *to the Papists, for fast-*
ing and praying; or from Trestram Whitcombe, *of*
strange Speeches uttered in Ireland; *shall beget any*
Jealousy or Misapprehension in our Subjects of our
Justice, Piety, and Affection; it being evident to all
Understandings, that those mischievous and wicked
Rebels are not so capable of great Advantage, as by
having their false Discourses so far believed, as to
raise Fears and Jealousies, to the Distraction of this
Kingdom, the only Way to their Security: And we
cannot express a deeper Sense of the Sufferings of our
poor Protestant Subjects in that Kingdom, than we
have done in our often Messages to both Houses, by
which

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which we have offered, and are ſtill ready to venture, our Royal Perſon for their Redemption; well knowing, that as we are, in our own Intereſt, more concerned in them, ſo we are to make a ſtrict Account to Almighty God for any Neglect of our Duty for their Preſervation.

For the manifold Attempts to provoke our late Army, and the Army of the Scots, *and to raiſe a Faction in the City of* London, *and other Parts of the Kingdom; if it be ſaid, as relating to us, we cannot, without great Indignation, ſuffer ourſelf to be reproached with having intended the leaſt Force or Threatening to our Parliament, as the being privy to the bringing up of the Army would imply: Whereas we call God to witneſs, we never had any ſuch Thought, or knew of any ſuch Reſolution, concerning our late Army.*

For the Petition ſhewed to us by Captain Legge; *we well remember the ſame, and the Occaſion of that Conference: Captain* Legge *being lately come out of the North, and repairing to us at* Whitehall, *we aſked him of the State of our Army; and, after ſome Relation made of it, he told us, That the Commanders and Officers of the Army had a Mind to petition the Parliament, as others of our People had done, and ſhewed us the Copy of a Petition, which we read; and, finding it to be very humble, (deſiring the Parliament might receive no Interruption in the Reformation of the Church and State, to the Model of Queen* Elizabeth's *Days) we told him, We ſaw no Harm in it: Whereupon he replied,* That he believed all the Officers of the Army would like it, only he thought Sir *Jacob Aſtley* would be unwilling to ſign it, out of Fear that it might diſpleaſe us. *We then read the Petition over again; and then obſerving nothing, in Matter or Form, we conceived could poſſibly give juſt Cauſe of Offence, we delivered it to him again; bidding him give it to Sir* Jacob Aſtley, *for whoſe Satisfaction we had written* C. R. *upon it, to teſtify our Approbation; and we wiſh that Petition may be ſeen and publiſhed, and then we believe it will appear no dangerous one, nor a juſt Ground for the leaſt Jealouſy or Miſapprehenſion.*

For

For Mr. Jermyn; *it is well known that he was gone from* Whitehall *before we received the Desire of both Houses for the Restraint of our Servants, neither returned he thither, or passed over, by any Warrant granted by us after that Time.* An. 17. Car. I. 1641. March.

For the Breach of Privilege, in the Accusation of the Lord Kimbolton *and the five Members of the House of Commons, we thought we had given so ample Satisfaction in our several Messages to that Purpose, that it should be no more pressed against us; being confident that if the Breach of Privilege had been greater than hath been ever before offered, our Acknowledgment and Retractation hath been greater than ever King hath given; besides the not examining how many of our Privileges have been invaded in Defence and Vindication of the other; and therefore we hoped our true and earnest Protestation, in our Answer to your Order concerning the Militia, would so far have satisfied you of our Intentions then, that you would no more have entertained any Imagination of any other Design than we there expressed.*

But why the listing of so many Officers, and entertaining them at Whitehall, *should be misconstrued, we much marvel; when it is notoriously known the Tumults at* Westminster *were so great, and their Demeanors so scandalous and seditious, that we had good Cause to suppose our own Person, and those of our Wife and Children to be in apparent Danger; and therefore we had great Reason to appoint a Guard about us, and to accept the dutiful Tender of the Service of any of our loving Subjects; which was all we did to the Gentlemen of the Inns of Court.*

For the Lord Digby; *we assure you, on the Word of a King, that he had our Warrant to pass the Seas, and had left our Court, before we ever heard of the Vote of the House of Commons, or had any Cause to imagine that his Absence would have been excepted against.*

What your Advertisements are from Rome, Venice, Paris, *and other Parts, or what the* Pope's *Nuncio sollicits the Kings of* France *or* Spain *to do, or from what Persons such Informations come to you,*

or

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or how the Credit and Reputation of such Persons have been sifted and examined, we know not; but are confident no sober honest Man in our Kingdoms can believe, that we are so desperate or so senseless to entertain such Designs, as would not only bury this our Kingdom in sudden Destruction and Ruin, but our own Name and Posterity in perpetual Scorn and Infamy: And therefore we could have wished that, in Matters of so high and tender a Nature, (wherewith the Minds of our good Subjects must needs be startled) all the Expressions were so plain and easy, that nothing might stick with them with Reflection upon us, since you thought fit to publish it at all.

And having now dealt thus plainly and freely with you, by way of Answer to the particular Grounds of your Fears; we hope, upon a due Consideration and Weighing both together, you will not find the Grounds to be of that Moment to beget, or longer to continue, a Misunderstanding betwixt us; or force you to apply yourselves to the Use of any other Power than what the Law hath given you; the which we always intend shall be the Measure of our own Power, and expect it shall be the Rule of our Subjects Obedience.

Concerning our Fears and Jealousies; as we had no Intention of accusing you, so are we sure no Words spoken by us, on the sudden, at Theobalds, *will bear that Interpretation. We said,* For our Residence near you, we wish'd it might be so safe and honourable, that we had no Cause to absent ourself from Whitehall; *and how this can be a Breach of Privilege of Parliament we cannot understand. We explained our Meaning in our Answer at* Newmarket, *at the Presentation of this Declaration, concerning the printed seditious Pamphlets and Sermons, and the great Tumults at* Westminster: *And we must appeal to you and all the World, whether we might not justly suppose ourself in Danger of either. And if we were now at* Whitehall, *what Security have we that the like shall not be again; especially if any Delinquents of that Nature have been apprehended by the Ministers of Justice, and been rescued by the People, and so as yet escape unpunished? If you have not*

we been informed of the seditious Words used, and the Circumstances of those Tumults, and will appoint some Way for the Examination of them, we will require some of our learned Counsel to attend with such Evidence as may satisfy you; and till that be done, or some other Course taken for our Security, you cannot, with Reason, wonder that we intend not to be where we most desire to be. An. 17. Car. I. 1641. March

And can there yet want Evidence of our hearty and importunate Desire to join with our Parliament and all our faithful Subjects, in Defence of the Religion and Public Good of the Kingdom? Have we given you no other Earnest but Words, to secure you of those Desires? The very Remonstrance of the House of Commons, published in December *last, of the State of the Kingdom, allows us a more real Testimony of our good Affections than Words: That Remonstrance valued our Acts of Grace and Justice at so high a Rate, that it declared the Kingdom to be then a Gainer, though it had charged itself by Bills of Subsidies and Poll-Money, with the Levy of* 600,000l. *besides the Contracting of a Debt to our* Scots *Subjects of* 220,000l.

Are the Bills for the Triennial Parliament; for relinquishing our Title of imposing upon Merchandize, and Power of pressing of Soldiers; for taking away the Star-Chamber and High-Commission Courts; and for regulating the Council-Table, but Words? Are the Bills for the Forests; the Stannary Courts; the Clerk of the Market; and the taking away the Votes of the Bishops out of the Lords House, but Words? Lastly, *What greater Earnest of our Trust and Reliance on our Parliament could, or can, we give, than the passing of the Bill for the Continuance of this present Parliament? The Length of which, we hope, will never alter the Nature of Parliaments and the Constitution of this Kingdom; or invite our Subjects so much to abuse our Confidence, as to esteem any Thing fit for this Parliament to do, which were not so, if it were in our Power to dissolve it To-morrow. And after all these, and many other Acts of Grace on our Part,*

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Part, that we might be sure of a perfect Reconciliation betwixt us and all our Subjects, we have offered, and are still ready to grant, a free and general Pardon, as ample as yourselves shall think fit. Now, if these be not real Expressions of the Affections of our Soul, for the Public Good of our Kingdom, we must confess that we want Skill to manifest them.

To conclude, (although we think our Answer already full to that Point) concerning our Return to London: *We are willing to declare, That we look upon it as a Matter of so great Weight, with Reference to the Affairs of this Kingdom, and to our own Inclinations and Desires, that if all we can say or do, can raise a mutual Confidence, (the only Way, with God's Blessing, to make us all happy) and, by your Encouragement, the Laws of the Land, and the Government of the City of* London, *may recover some Life for our Security, we will overtake your Desires, and be as soon with you as you can wish. And, in the mean Time, you may be sure, that neither the Business of* Ireland, *or any other Advantage for this Kingdom, shall suffer through our Default, or by our Absence; we being so far from repenting the Acts of our Justice and Grace, which we have already performed to our People, that we shall, with the same Alacrity, be still ready to add such new ones, as may best advance the Peace, Honour, and Prosperity of this Nation.*

The Letter to the Lord-Keeper was as follows:

CHARLES *R.*

Right Trusty and Well-beloved Counsellor, we greet you well,

The King's Objections to passing the Bill for clearing the Lord *Kimbolton, &c.*

WE have signed a Commission for giving our Royal Assent for passing the Bill For raising 400,000 *l.* for the necessary Defence of our Kingdom of *Ireland*. *As for the other Bill sent unto us, intitled,* An Act for clearing and vindicating of the Lord *Kimbolton,* Mr. *Holles,* &c. *albeit we are well*

well pleaſed to paſs an Act for the clearing of them all, according to our gracious Promiſe; yet we are not by that Promiſe, nor otherwiſe, obliged to lay any Imputation on ourſelf, or to clear them in Words that may reflect upon our Honour. Wherefore, our Command is, that you make known to our Parliament, That if they will paſs a Bill for the freeing and clearing of the Lord Kimbolton *and the reſt, in ſuch Terms and Words as may be ſtrong for them, and not reflect upon us, we will readily give our Royal Aſſent thereto.* An. 17. Car. I. 1641. March.

Given at our Court at *York*, the 21ſt of *March*, in the 17th Year of our Reign.

Ordered, That this Houſe ſhall take into Conſideration, Whether this Anſwer is not a Breach of the Privilege of Parliament; and that all theſe laſt Matters, from the King, ſhall be communicated to the Houſe of Commons, at a Conference. But at the very ſame Time came up a Meſſage from the Lower Houſe, deſiring a Conference about the ſame Things; which was granted, and appointed to be that Afternoon in the *Painted-Chamber*; but the Report of it was put off to a further Time.

Thus ends the Year 1641, with a melancholy Proſpect of the ſucceeding one; for it did not then need any deep Skill in Prophecy to foretell the dire Events, which theſe irreconcilable Differences between the King and Parliament had rendered inevitable.—But let us leave the Bloody Proſpect, for a-while, and return to our *Journals*.

March 25. This Day was read a firſt Time, in the Houſe of Lords, *A Bill for ſuppreſſing of divers Innovations in Churches and Chapels in and about the Worſhip of God; and for the due obſerving the Lord's Day, and the better Advancement of the Preaching of God's Holy Word, in all the Parts of the Kingdom.* Anno 1642.

Nothing elſe material done in either Houſe.

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March.

March 26. The Earl of *Northumberland*, Lord-Admiral, acquainted the Lords, That he had received Information from Sir *Philip Carteret*, Governor of the Isle of *Wight*, of Forces raising in *Normandy* and *Brittany*, to the Number of 7000 Men; that they were designed against the Islands of *Guernsey* and *Jersey*, or some Part of *England*: And that there was in *France* a secret Intent to break the Peace between the two Kingdoms.

Information of an Invasion intended by the *French*.

Ordered, That this Information should be sent to the Commons; and to desire that House to give a speedy Dispatch to the setting forth this Summer's Fleet; and that both Houses may join in an humble Petition to the King, to make the Earl of *Warwick* Commander of it.

This Day an Act *For raising and levying of Moneys*, (400,000l.) *for the necessary Defence and great Affairs of this Kingdom and* Ireland, *and for the Payment of Debts undertaken by Parliament*, was passed, by Commission, with the usual Ceremonies.

March 28. The Earl of *Essex*, Lord-Chamberlain of the Household, and the Earl of *Holland*, Groom of the Stole, exhibited Letters from the King, commanding them to appear at *York*, to attend St. *George*'s Feast there, (they being Knights of the Garter) which the King intended to hold in that City. The like Letters the Earl of *Salisbury* and the Lord *Savile* shewed; which being taken into Consideration, as a Matter of great Importance, it was resolved, upon the Question, That the said Lords should not have Leave to go, but attend the Business of that House, in regard the great and weighty Affairs of the Kingdom were then in Agitation; and ordered, That the Lord-Keeper should signify to the King the Reasons for this Refusal, which were to be drawn up for that Purpose.

The Lords refuse to let the Earl of *Essex*, &c. wait on the King at *York*.

A Conference was held this Day between the two Houses; when the Commons informed the Lords, That a Petition had been framed in *Kent*, and intended

tended to be delivered to Parliament, which was of dangerous Conſequence. This was on the Information of one *Francis Jones*, who averr'd, That the Petition was produced and read at the Aſſizes, at *Maidſtone*, the twenty-fifth Inſtant, and conſiſted, to the beſt of his Memory, of theſe Particulars: 'That the Government of Biſhops might 'ſtill remain, they being as antient as Chriſtianity 'in *England*.—That the Liturgy and Common 'Prayer might ſtill remain.—That ſuch might be 'puniſhed who either abſent themſelves from it, or 'ſpeak againſt it; and that all Miniſters and People 'might be brought into this Uniformity.—That 'no Order ſhould iſſue out of either Houſe, to 'oblige the People, unleſs it was an Act of Parliament.—That no Order ſhould iſſue concerning 'the Militia, from either Houſe, without the 'King's Hand to it.—That they would preſently 'apply themſelves to his Majeſty's Meſſage of the 'twentieth of *January* laſt.—That they would 'eſtabliſh the Civil Law, that they who were Civil 'Lawyers might not loſe their Studies.—That they 'would ſpeedily relieve their Brethren in *Ireland*.—'That they would be pleaſed to eſtabliſh the Privi'lege of Parliament, and the King's Regal Power. 'Laſtly, That Sir *Edward Dering* preſſed, with 'great Earneſtneſs, to have a Copy of this Peti'tion ſent to the King; but, as he thought, it was 'denied.'

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A Conference concerning an intended Petition from the County of *Kent*.

The Commons further inform'd the Lords, that they found Sir *Edward Dering*, Sir *George Twiſden*, Sir *George Strode*, and Mr. *Richard Spencer*, had been active Men in contriving and preſenting this Petition; they therefore deſired the ſaid Gentlemen might be ſent for, as Delinquents; which was, accordingly, ordered by the Lords, and a ſelect Committee, of both Houſes, appointed to examine this Buſineſs to the Bottom.

In the Afternoon of this Day the Commons ſent up the following Draught of a Petition to the King,

An. 18. Car. I. 1642. for conſtituting the Earl of *Warwick* Lord High Admiral:

March.

A Petition of both Houſes to the King, that the Earl of *Warwick* may command the Fleet.

THE Lords and Commons, in this preſent Parliament aſſembled, having found it neceſſary to provide and ſet to Sea a ſtrong and powerful Navy, for the Defence of this Kingdom againſt foreign Force, and for the Security of your Majeſty's other Dominions, the Charge whereof is to be borne by the Commonwealth; and taking Notice of the Indiſpoſition of the Lord-Admiral, which diſables him at this Time from commanding the Fleet in his own Perſon, did thereupon recommend unto his Lordſhip the Earl of Warwick, *a Perſon of ſuch Ability and Quality, as in whom they might beſt confide, to ſupply his Room for this Employment. And underſtanding that your Majeſty has ſince ſignified your Pleaſure concerning that Command for Sir* John Pennington, *we do hold it our Duty to repreſent unto your Majeſty the great Danger and Miſchief the Commonwealth is like to ſuſtain by ſuch Interruption; and therefore humbly beſeech your Majeſty, that the Noble Perſon, recommended by both Houſes of Parliament for this Service, may no longer be detained from it, out of any particular Reſpect to any other Perſon whatſoever.*

The Lords agreed to this Petition.

Earl of *Briſtol* and Judge *Mallet* examined touching the *Kentiſh* Petition;

A Copy of the *Kentiſh* Petition was produced in the Houſe of Lords by the Earl of *Briſtol*, who ſaid he had it delivered to him by Judge *Mallet*. This being read, which was no more than an Enlargement on the foregoing Heads, the Earl was aſked, Whether he had taken a Copy of this Petition? who anſwering, *Yes*, he was commanded to withdraw. Then Mr. Juſtice *Mallet* was examined about this Buſineſs, who ſaid, 'That he had the Petition from Sir *George Strode*, and that he ſhewed it to the Earl of *Briſtol*, who took a Copy of the ſame.' Hereupon the Lords taking this Affair into Conſideration, conceived that the Judge had committed a great Offence, contrary to his Duty, as Judge of the Aſſize, and as an Aſſiſtant to this Houſe,

Houſe, in not revealing the Petition to them 'till he was forced to it. And, after a long Debate, the Queſtion was put, Whether there were not ſome Words in this Petition, ſcandalous, dangerous, and tending to Sedition? it paſſed in the Affirmative. Likewiſe the Earl of *Briſtol*, becauſe he had this Petition delivered to him, being of ſo dangerous a Conſequence, and took a Copy of it without doing his Duty in acquainting the Houſe of Lords therewith, was committed to the *Tower*, for the preſent, untill this Buſineſs ſhould be further examined. The Earls of *Bath*, *Dover*, *Portland*, *Monmouth*, with the Lords *Mowbray*, *Grey*, *Howard*, and *Capel*, diſſenting.

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And committed to the *Tower*.

Judge *Mallet* alſo underwent the ſame Sentence.

March 29. A Meſſage from the King to the Lords was read, importing, only, his Deſire that the Earl of *Leiceſter*, Lord-Lieutenant of *Ireland*, ſhould be ſent over, immediately, to that Kingdom, in order to comfort and encourage his good Subjects there, on their late Succeſs, and ſtrike the more Terror into the Rebels, *&c.* which, after a Conference with both Houſes, about this Matter, was denied.

The Lord *Seymour* having been ſent to by the King, as a Knight of the Garter, to attend his Majeſty at *York*, on St. *George*'s Feaſt; and ſetting forward on a former Leave of Abſence from the Houſe, a Poſt was ſent after him, with an Order to bring him back. The Gentleman-Uſher of the Black Rod, having received the like Summons, the Lords ordered, That he ſhould attend his Charge and Duty to the Houſe, according to his Place.

This Day the Bill of Subſidy, on Tonnage and Poundage, *&c.* was paſſed by Commiſſion, and was the laſt of that Kind this King ever had granted. Some Reaſons were likewiſe drawn up and agreed to be ſent to the King, for not permitting his great Officers of State, and Privy-Counſellors, to attend him at *York*.

Bill of Tonnage and Poundage paſſed.

An. 18. Car. I 1642. March.

At the Desire of the Commons, the Trial of Judge *Berkley* was put off to the 17th of *May*.

Many Orders had been made by both Houses, and much Money paid to the *Scots*, for transporting an Army from thence into *Ulster*, to defend that Province. But the *Scots* being still dilatory, this was complained of to them; who answered, They had 2700 Men ready to embark from their Ports, but they waited for a fair Wind. The *Scots* Commissioners were, hereupon, desir'd to get those Men transported with all Expedition.

An Order was sent up by the Commons, for their Lordships Concurrence, authorizing Sir *John Hotham* to take such a Number of the Train'd Bands, as he should think fit, into *Hull*; and to make Use of the Magazine there, for the Defence of that Place; which was agreed to. Adjourn'd to

March 31. This Day, at a Conference by a Committee of both Houses, the Commons exhibited the following Articles of Impeachment against *George Benyon*, Citizen of *London*, for several High Crimes and Misdemeanors:

Impeachment of *George Benyon*, for contriving a Petition against the Ordinance for the Militia, &c.

'THAT he, the said *George Benyon*, being a Man of Power and Credit in the City, and 'well knowing the present Distractions and Disor-'ders of the Times, had endeavoured to make a 'Division between the King and Parliament, and 'between the Parliament and the City, by wickedly 'and maliciously contriving and forming a false, 'dangerous, and seditious Petition, in Behalf of 'himself and other Citizens, and presented to both 'Houses of Parliament, &c. That the said *George* 'Benyon, by false and sinister Persuasions, procured 'divers Citizens to subscribe their Hands to the 'said Petition, contrary to their Intent and true 'Meaning, &c.

'Also, that the said *Benyon* did give out and ut-'ter divers bold and arrogant Speeches, in Deroga-'tion and Contempt of the Privileges of Parlia-'ment, and the Peers therein assembled; swear-'ing,

'ing, by God, that he would make the Bill of 'Protections pass, or there should not be one Penny 'lent to Parliament; that he would spend every 'Groat in the Chamber of *London*, to put down 'the Privileges of the Peers, and make them ho- 'nest, that they might be as liable to Arrests as the 'Noblemen of *France*, *Spain*, *Poland*, and other 'foreign Countries: That he said he had computed 'the Debts of the Lords, and that they owed more 'than would drive on the greatest Trade of the 'whole Kingdom, *&c.* That, speaking of the Par- 'liament, he did falsly and maliciously say, That 'they much complained of the King's Authority 'and Power, and yet they went about to set up an 'arbitrary Government themselves; and they, be- 'ing Four Hundred in Number, would be more 'grievous than One absolute Monarch.

'All which Matters and Things, *&c.*

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This is the Substance of the Charge against Mr. *Benyon:* The Petition itself is annexed; and since that was the great Reason of the Accusation against him, we shall give it at Length; and, especially, as the Proceedings of the Commons in this Affair are very slightly pass'd over by Mr. *Rushworth*; and neither the Petition itself, nor the Impeachment and Trial before the Lords, are mentioned at all in his *Collections*, or by Mr. *Whitlocke*.

The Petition was as follows:

To the Rt. Hon. the LORDS and COMMONS assembled in Parliament,

The HUMBLE PETITION of the CITIZENS of LONDON, whose Names are underwritten,

Sheweth,

THat the City of London *hath, Time out of Mind, enjoyed the ordering of their own Arms, which hath successively been annexed to the Mayoralty for the Time being; the Lord Mayor having always been a Person of Worth and Quality, and of their own Choice, and hath ever advised with the Court of Aldermen*

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dermen in the Execution thereof: So that if the same should be conferred on others, we humbly conceive it would not only be a perſonal Diſhonour to the Lord Mayor, but alſo reflect upon the Government and Cuſtoms of the City of London, *granted to the Citizens by the Great Charter of* England, *and confirmed by divers Acts and Charters ſince that Time; and which every Freeman of the ſaid City is, by the Oath of his Freedom, bound to maintain to the uttermoſt of his Power. This Honourable Aſſembly may be pleaſed to take into Conſideration, that an Alteration in the antient Government of this renowned City, may breed greater Diſtractions and Inconveniences, than, for the preſent, can be diſcerned, or, in the future, can be amended.*

Wherefore, our humble Deſire is, That ſince this Government hath, by Experience, been found for the Honour of his Majeſty, the Good of the City and the whole Kingdom; and that, in the moſt troubleſome Times, it hath been admired and commended by Strangers, before any other City in the known World, that the ſame, by your Honourable Favour, may be continued without any Alteration.

And they ſhall pray, *&c.*

This Petition being read, the Charge was farther aggravated againſt Mr. *Bowyer*, by obſerving,

1. 'That he was a Man of a turbulent Spirit, 'and a fit Perſon to act ſuch a Miſchief: A Citi- 'zen and Freeman of *London*, which is the Me- 'tropolis and Epitome of the whole Kingdom, the 'Strength whereof is in the Common Council: 'That this Plot was like another *Trojan* Horſe, 'full of Variety of Miſchiefs and peſtilential De- 'ſigns; according to *Machiavel's* Rule, *Divide & 'impera*. To divide between the King and his 'People, the Parliament and the City, and the Ci- 'ty between itſelf; like a Worm gnawing between 'the Bark and the Tree. The Circumſtances and 'Gradations of this Offence aſcend to a great 'Height, as having Reference to the Common 'Council, whereto he ought to have ſubmitted,

'being

'being involved in their Votes; but he abounds in his own Sense, and spurns against them.

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II. 'It hath Reference to the animating and 'oppoſing the Ordinance of both Houſes of Parliament, for ſettling the Militia, the Parliament having Power of declaring what the Law is concerning itſelf; and alſo it lays a great Charge upon 'both Houſes for arbitrary Power, Ambition, and 'Injuſtice, and hath ſcandalized their Members and 'Privileges.

III. 'Concerning the Time when *Benyon* committed theſe Offences: It was when the Kingdom 'was full of Fears, Dangers, and Diſtractions; and, 'taking Advantage of this Opportunity, he endeavoured to put all into Confuſion; ſo as the Bark 'was not to be ſaved, but by caſting Anchor and 'ſtanding together to oppoſe theſe Miſchiefs. He 'did not only act his Part himſelf, but perſuaded 'others, both at the Exchange and at the Scriveners Shops, to ſubſcribe the Petition; which was 'a Thing contrary to the Opinion of the Common Council, as being a Matter of great Preſumption, and tending to Sedition; for, it is feared, the Conſequence of this Example will be an 'Occaſion of other Places following the ſame Steps, 'whereof ſome Paſſages have already appeared: 'Therefore the Houſe of Commons deſire that 'exemplary Puniſhment may be inflicted on the 'ſaid *George Benyon*, for theſe Offences, according 'to Juſtice.'

This Report being made of the Charge, it was ordered, That the ſaid *George Benyon* ſhould be brought to the Bar to hear it read; which being done, and he aſked what Anſwer he would make to it, he humbly deſired he might have Time given him to put in his Anſwer; and, for the enabling him thereto, he deſired to have Counſel allowed him, and to have a Copy of his Charge. All which was granted, and *Monday* next, being the 4th of *April*, appointed for his Trial.

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A Petition from the twelve impeached Biſhops, in the *Tower*, was read, praying the Lords, That ſome ſpeedy Order might be taken for their Enlargement, upon Bail or otherwiſe, as their Lordſhips ſhould think fit.

Ordered, That this Petition be communicated to the Houſe of Commons, and they to be deſired to proceed againſt the Biſhops with all Expedition.

April 1. A Conference having been held between both Houſes Yeſterday, a Report of it was made, this Day, to the Lords, by the Lord-Keeper; in which he ſaid the Commons communicated to them the King's Anſwer to a late Meſſage from Parliament, of *March* 22; which he read in theſe Words:

The King's Reply (of the 26th of *March*) to the Parliament's Anſwer to his Meſſage from *Newmarket*.

IF you would have had the Patience to have expected our Anſwer to your laſt Declaration, (which, conſidering the Nature of it, hath not been long in coming) we believe you would have ſaved yourſelves the Labour of ſaying much of this Meſſage; and we could wiſh that our Privileges on all Parts were ſo ſtated, that this Way of Correſpondency might be preſerved, with that Freedom which hath been uſed of old; for we muſt tell you, That if you may aſk any Thing of us by Meſſage or Petition, and in what Language, how unuſual ſoever, you think fit; and we muſt neither deny the Thing you aſk, nor give our Reaſon why we cannot grant it, without being taxed of breaking your Privileges, or being counſelled by thoſe who are Enemies to the Peace of the Kingdom, and Favourers of the Iriſh *Rebellion, (for we have ſeen your printed Votes upon our Meſſage from* Huntingdon) *you will reduce all our Anſwers hereafter into a very little Room. In plain* Engliſh, *it is to take away the Freedom of our Vote; which, were we but a Subject, were high Injuſtice; but, being your King, we leave all the World to judge what it is.*

Is this the Way to compoſe all Miſunderſtandings? We thought we ſhewed you one by our Meſſage of the twentieth of January; *if you have a better or readier, we*

we shall willingly hearken to it; for, hitherto, you have shewed us none. But why the Refusal to consent to your Order (which you call a Denial of the Militia) should be any Interruption to it, we cannot understand. For the Militia, which we always thought necessary to be settled, we never denied the Thing, as we told you in our Answer of the twenty-eighth of February, *to the Petition of the House of Commons; for we accepted the Persons, except for Corporations; we only denied the Way. You ask it by way of Ordinance, and with such a Preface as we can neither with Justice to our Honour, or our Innocence, consent to. You exclude us from any Power in the Disposition or Execution of it, together with you, and for a Time utterly unlimited: We tell you we would have the Thing done; allow the Persons, with that Exception; desire a Bill, the only good old Way of imposing on our Subjects. We are extremely unsatisfied what an Ordinance is; but well satisfied, that, without our Consent, it is nothing, nor binding. And it is evident, by the long Time spent in this Argument, the Necessity and Danger was not so imminent but a Bill might have well been prepared; which, if it shall yet be done with that due Regard to us, and Care of our People, in the Limitation of the Power and other Circumstances, we shall recede from nothing we formerly expressed in that Answer to your Order; otherwise we must declare to all the World, that we are not satisfied with, or shall ever allow our Subjects to be bound by, your printed Votes of the fifteenth or sixteenth of this Month; or that, under Pretence of declaring what the Law of the Land is, you shall, without us, make a new Law; which is plainly the Case of the Militia: And what is this but to introduce an Arbitrary way of Government?*

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Concerning Pymme's *Speech; you will have found by what the Lord* Compton *and Mr.* Baynton *brought from us, in Answer to that Message they brought to us, that, as yet, we rest nothing satisfied in that Particular.*

As for the seditious Sermons and Pamphlets; we are both sorry and ashamed that, in so great a Variety,

and

An. 18. Car. I. 1642. April. *and in which our Rights, Honour, and Authority are so insolently slighted and vilified, and in which the Dignity and Freedom of Parliament is so much invaded and violated, it should be asked of us to name any: The mentioning of the* Protestation protested; *the* Apprentices Protestation; To your Tents, O Israel, *or any other, would be too great an Excuse for the rest. If you think them not worth your Inquiry, we have done. But we think it most strange to be told, That our Denial of a Guard, which we yet never denied, but granted in another Manner, and under a Command, at that Time, most accustomed in the Kingdom; or the Denial of any Thing else, which is in our Power legally to deny; which in our Understanding, (of which God has surely given us some Use) is not fit to be granted, should be any Excuse for so dangerous a Concourse of People; which not only in our Apprehension, but, we believe, in the Interpretation of Law itself, hath been always held most tumultuous and seditious. And we must wonder what and whence come the Instructions and Informations that those People have, who can so easily think themselves obliged, by the Protestation, to assemble in such a Manner, for the Defence of Privileges, which cannot be so clearly known to any of them; and so negligently pass over the Consideration and Defence of our Rights, so beneficial and necessary for themselves, and scarce unknown to any of them; which, by their Oaths of Allegiance and Supremacy, and even by the same Protestation, they are at least equally obliged to defend. And what Interruption such kind of Assemblies may be to the Freedom of future Parliaments, if not seasonably discountenanced and suppressed, we must advise you to consider; as likewise whether both our Powers may not, by such Means, be usurp'd by Hands not trusted by the Constitution of this Kingdom.*

For our Guard; we refer you to our Answer to your Declaration.

By that Question of violating your Laws, by which we endeavoured to express our Care and Resolution to observe them, we did not expect you would have been invited to have look'd back so many Years, for

for which you have had so ample Reparation; neither looked we to be reproached with the Actions of our Ministers, then against the Laws, whilst we express so great a Zeal for the present Defence of them; it being our Resolution, upon Observation of the Mischief which then grew by arbitrary Power, (though made plausible to us by the Suggestions of Necessity and imminent Danger; and take you heed ye fall not into the same Error, upon the same Suggestions) hereafter to keep the Rule ourself, and, to our Power, require the same from all others. But, above all, we must be most sensible of what you cast upon us for Requital of those good Bills you cannot deny. We have denied any such Design, and as God Almighty must judge in that Point between us, who knows our upright Intentions at the passing those Laws; so, in the mean Time, we defy the Devil to prove that there was any Design, with our Knowledge or Privity, in or about the Time of passing those Bills, that, had it taken Effect, could have deprived our Subjects of the Fruit of them: And, therefore, we demand full Reparation in this Point, that we may be cleared in the Sight of all the World, and chiefly in the Eyes of our loving Subjects, from so notorious and false an Imputation as this is.

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We are far from denying what you have done; for we acknowledge the Charge our People have sustained in keeping the two Armies, and in relieving Ireland; *of which we are so sensible, that, in regard of those great Burdens our People have undergone, we have and do patiently suffer those extream personal Wants, as our Predecessors have been seldom put to, rather than we would press upon them; which we hope, in Time, will be considered on your Parts.*

In our Offer of a general Pardon, our Intent was to compose and secure the general Condition of our Subjects; conceiving that, in these Times of great Distractions, the good Laws of the Land have not been enough observed: But it is a strange World, when Princes proffered Favours are counted Reproaches; yet if you like not this our Offer, we have done.

Concerning any Discourses of foreign Forces; tho' we have given you a full Answer in ours to your last De-

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Declaration, yet we must tell you, we have neither so ill an Opinion of our own Merit, or the Affections of our good Subjects, as to think ourself in Need of any foreign Force to preserve us from Oppression, and we shall not need for any other Purpose; but are confident, through God's Providence, not to want the good Wishes and Assistance of the whole Kingdom; being resolved to build upon that sure Foundation, the Law of the Land. And we take it very ill that any general Discourses between an unknown Person and a Mariner, or Inferences upon Letters, should be able to prevail in Matters so improbable in themselves, and scandalous to us; for which we cannot but likewise ask Reparation, not only for the Vindicating of our own Honour, but also thereby to settle the Minds of our Subjects, whose Fears and Jealousies would soon vanish, were they not fed and maintained by such false and malicious Rumours as these.

For our Return to our Parliament; we have given you a full Answer in ours to your Declaration, and you ought to look on us as not gone, but driven (we say not by you yet) from you; and if it be not so easy for you to make our Residence in London *so safe as we could desire, we are, and will be, contented that our Parliament be adjourned to such a Place where we may be fitly and safely with you: For though we are not pleased to be at this Distance, yet ye are not to expect our Presence, untill ye shall both secure us concerning our just Apprehension of tumultuary Insolencies, and likewise give us Satisfaction for those insupportable and insolent Scandals that are raised upon us.*

To conclude: As we have not, or shall not, refuse any Way, agreeable to Justice or Honour, which shall be offered to us, for the begetting a right Understanding between us; so we are resolved, that no Straits or Necessities, to which we may be driven, shall ever compel us to do that which the Reason and Understanding which God hath given us, and our Honour and Interest with which God hath trusted us, for the Good of our Posterity and Kingdoms, shall render unpleasant and grievous unto us. And we assure you, that (how meanly soever you are pleased to value the Discharge of

of our public Duty) we are so conscious to ourself of having done our Part since this Parliament, that, in whatsoever Condition we now stand, we are confident of the continued Protection of Almighty God, and the constant Gratitude, Obedience, and Affection of our People: And we shall trust God with all.

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After the reading of this Answer the Lord-Keeper further said, That the House of Commons did account it to be a Matter of so great Importance, as to require some Time to consider of it; and therefore they resolved to lay all other Business aside, excepting one or two Matters, untill this was done; which Resolution the Lords agreed to. Ordered, also, That the Message of both Houses to the King, on the twenty-second of *March* last, with his Majesty's Answer, should be forthwith printed and published.

This Day the Lords took into Consideration the Substance of a late Conference had with the House of Commons, concerning a Declaration of the Grievances and Evils of this Kingdom, with Propositions of the Remedies and Cures, which they conceived fit for these Diseases, reported by the Lord *Roberts*; and, first, the Declaration was read *in hæc Verba*: [r]

The Report of a Declaration of the Grievances of the Kingdom, and the Remedies proposed.

'WE your Majesty's most humble and loyal Subjects, the Lords and Commons of this present Parliament assembled, do hereby call God, this Kingdom, and the whole World to witness that we have, ever since our first Meeting in this present Parliament, with Fidelity to your Majesty and the State, with much Patience and Constancy, in respect of the great Affronts and Interruptions, the pernicious Plots and Attempts wherewith we have been encountered, distracted, and opposed, employed our Counsels and Endeavours to maintain God's true Religion, the Honour and Rights

[r] From the *Lords Journals*.

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'Rights of your Crown, the Peace and Safety of 'your Royal Person and your Kingdoms, and the 'just Liberties of your People; that so we might 'ease them of their great Grievances, and prevent 'the Fears and Dangers, yea, the imminent Ruin 'and Destruction, which have been contrived and 'fostered, not only in your Court, but even very 'near your own Person; and however our Liber-'ties have been invaded, many of our Lives endan-'gered, and such Attempts made upon us as might 'have subverted the very Being of Parliament, yet 'have we so kept ourselves within the Bounds of 'Modesty and Duty, that we have given no just 'Occasion of your Majesty's Absence at this Time, 'nor of any Offence or Displeasure to the Queen's 'Majesty; but, notwithstanding our manifold Ex-'perience, past and present, and our Sense and 'Apprehension of those Principles, destructive of 'this Church and State, with which that Religion 'professedly doth abound, we have ever been care-'ful of the Honour and Safety due to her Majesty's 'Person, and so intend to continue for the Time 'to come.

'And we most humbly beseech your Majesty, 'with Wisdom and Compassion, to behold the 'miserable and perishing Condition of all your 'Majesty's Kingdoms; the full Accomplishment 'whereof seems impossible to be avoided, unless 'you will be graciously pleased to join seriously and 'thoroughly with your Parliament, in removing the 'Causes, and applying the most powerful and sove-'reign Remedies to those Evils and Distempers 'which have long held this Kingdom in a languish-'ing Estate, and now brought it even to the last 'Gasp and Period of Destruction; for preventing 'whereof, according to the Trust reposed in us, we 'are bound, in all Humility and Faithfulness, to 'present some of those Causes and Remedies to 'your Princely View and Consideration.

1. 'The evil Counsel about your Majesty and 'the Queen, continually acting and disposing all

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'Occurences of State, and abuſing your Majeſty's An. 18. Car. I.
'Power and Authority, to the Prejudice of Reli- 1642.
'gion and Hazard of the Public Peace; the Inter- April.
'ruption of the Parliament; the ſtrengthening of
'a malignant Party within the Kingdom; the rai-
'ſing and fomenting Jealouſies and Diſcontents be-
'twixt your Majeſty, your Parliament, and other
'loyal Subjects.

2. 'The Prieſts, Jeſuits, and Papiſts, both fo-
'reign and native, and other dangerous and ill-af-
'fected Perſons, have had ſo great an Intereſt in
'the Affections, and ſo powerful an Influence upon
'the Counſels of the Queen, that her Majeſty hath
'been admitted to intermeddle with the great Af-
'fairs of State, and with the diſpoſing of Places
'and Preferments, even of higheſt Concernment
'in the Kingdom; which, being conferred by her
'Mediation, hereby not only many of thoſe who
'are of great Power and Authority, but divers ac-
'tive Spirits, ambitious of public Employment,
'have their Dependance upon, and are engaged to
'favour and advance thoſe Aims and Deſigns,
'which are infuſed into her Majeſty upon Grounds
'of Conſcience, which is the ſtrongeſt Bond either
'of Good or Evil.

3. 'The great Encouragement of Popery; the
'public Exerciſe of that Religion in *Whitehall*, *So-*
'*merſet-Houſe*, and other Places; the eſtabliſhing
'of a Popiſh Hierarchy; the ſettling a College of
'Capuchins within this Realm; the free and fre-
'quent Conventions and Conſultations of Papiſts;
'the Multitude of *Engliſh* Youth, of both Sexes,
'bred in the Colleges and Religious Houſes beyond
'the Seas, and thoſe Popiſh Schools, which, by the
'Connivance and Favour of the Times, have been
'ſet up and permitted within this Kingdom.

4. 'The Want of a due Reformation of the
'Church-Government and Liturgy now uſed; the
'Want of a preaching Miniſtry, and a competent
'Maintenance for them in many Parts of this
'Kingdom.

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5. 'The over-ſtrict preſſing of divers Ceremonies in the Liturgy and Rubric, and the enjoining 'and preſſing of other Ceremonies not eſtabliſhed 'by Law.

6. 'The Votes of Popiſh Lords in the Houſe of 'Peers, whereby the great Work of Reformation 'in the Government of the Church and State hath 'been, and may yet be, very much hindered, and 'the malignant Party of the Kingdom ſtrengthened 'and protected.

7. 'The Countenance and Protection which 'hath been afforded to many great and dangerous 'Delinquents; the Preferment of ſuch as have adhered to them; and the Diſpleaſure ſhewed againſt thoſe who have been uſed and employed as 'Witneſſes in the Trial and Proſecution of them.

8. 'The violent and frequent Breaches of the 'Privileges of Parliament; the often Attempts againſt the Safety, and malicious Deſign to fruſtrate the Power and Proceedings, of Parliament.

9. 'The Managing and Tranſacting the great 'Affairs of the Realm in private Cabinet Councils 'by Men unknown, not truſted by the Wiſdom 'of the Law, nor well-affected to the Public Good 'of the Kingdom.

10. 'The Preferring Men to Degrees of Honour, to Offices, and other Employments of Truſt, 'and removing others in Time of Parliament, 'without the Conſent of that your great and faithful Council; whereby covetous and ambitious 'Spirits are apt to be biaſſed to thoſe Courſes which 'lead to their own Preferment; and others, more 'ingenuous and upright, are awed and ſtraitened 'in the Performance of their Duties.

11. 'The Selling of Places of Judicature, of 'Offices of Truſt in Courts of Juſtice, as of the 'Degrees of Serjeant at Law, and of the Charge 'and Cuſtody of the Caſtles and Forts of the Kingdom; whereby inſufficient, corrupt, and unworthy Perſons are often preferred; who, knowing 'themſelves obnoxious to the Cenſure and Puniſh-

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'ment of Parliament, are engaged, for their own 'Security, to be plyant and ſerviceable to any ill 'Deſigns; Oppreſſion, Bribery, and Extortion, are 'cheriſhed and increaſed; your Majeſty's Service, 'the Safety, Honour, and Government of the King-'dom neglected; and Places and Employments of 'Truſt, which, in the Frame and Conſtitution of 'the Commonwealth, were intended for the ge-'neral Good and Service of the Kingdom, are, for 'the moſt Part, by the Study and Endeavours of 'thoſe that enjoyed them, improved to the Satiſ-'faction of their own Covetouſneſs, Ambition, or 'other private Ends; and made burthenſome and 'hurtful to the Public, by obſtructing or prevent-'ing the Ways of Juſtice. An. 18. Car. I. 1642. April.

12. 'The ſecret and falſe Informations and Ac-'cuſations received againſt divers Members of Par-'liament; whereby they have been much endan-'gered and prejudiced, in the Favour and Appre-'henſion of your Majeſty and the Queen, and, by 'concealing the Informers, have been left without 'Means to acquit and defend themſelves.

'The Remedies which we humbly tender to 'your Majeſty are theſe:

1. 'That the Lords, and other your Majeſty's 'Privy-Council, and all other Perſons employ'd in 'great Offices of State and Government, either at 'home or beyond the Seas, may be put from the 'Privy-Council, and from thoſe Offices and Em-'ployments, excepting ſuch as have Offices by Inhe-'ritance; and that ſuch Perſons, as ſhall be put into 'thoſe Places and Employments, ſhall be recom-'mended to your Majeſty by Advice of both Houſes 'of Parliament; and that all Privy-Counſellors 'ſhall take an Oath for the due Execution of their 'Places, in ſuch Form as ſhall be agreed upon by 'Parliament; and that ſuch of thoſe Counſellors 'and great Officers as ſhall be ſo diſplaced, and not 'recommended as aforeſaid, and whoſe Names 'ſhall be preſented by both Houſes of Parliament, 'ſhall not have Acceſs to the Perſons or Courts of 'the King or Queen's Majeſty.

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2. 'That all Priests, Jesuits, or Papists, as likewise all other dangerous and ill-affected Persons, 'tho' professing the Protestant Religion, be removed from the Queen's Person, and from having 'any Office or Employment under her; and that 'all her Majesty's Servants whatsoever shall take an 'Oath, to be advised and enacted by Parliament, 'That he, or she, will not, at any Time, directly 'or indirectly, by him or herself, or any other, 'move, petition, or sollicit her Majesty in any 'Matter concerning the State and Government of 'the Kingdom; or concerning any Favour or Immunity to be conferred upon any Papists, against 'the Laws; or for any Honour, Preferment, or 'Employment of any Person whatsoever.

3. 'That your Majesty will be graciously pleased to remove from about the Royal Persons of 'your Majesty and the Queen, and from both your 'Courts, Mr. *William Murray*, Mr. *Endimion 'Porter*, both which are of your Bed-Chamber, 'Sir *John Winteur*, late Secretary to the Queen's 'Majesty, and Mr. *William Crofts*, being all Persons of evil Fame, as those who are disaffected to 'the Public Peace and Prosperity of the Kingdom; 'Instruments of Jealousy, Discontent, and Misunderstanding betwixt your Majesty and your Parliament; and busy Promoters of those Mischiefs and 'Grievances which have produced the great Dangers, Distempers, and Fears, wherewith all your 'Kingdoms have been, and still are, miserably distracted and perplexed.

4. 'That your Majesty will be pleased not to entertain any Advice or Mediation from the Queen 'in Matters of Religion; as concerning the Government of any of your Majesty's Dominions; 'as for the placing or displacing any great Officers, 'Counsellors, Ambassadors, or Agents beyond the 'Seas; or any of your Majesty's Servants attending 'your Royal Person, either in your Bed-Chamber 'or Privy-Chamber, or attending the Person of the 'Prince, or any of the Royal Issue, after they shall 'attain to the Age of five Years.

5. 'That

5. 'That for the further ſecuring the Kingdom 'in this Behalf, being a Matter of ſo great Impor- 'tance for the Preſervation of Religion and the 'Safety of the Kingdom, the Queen will be pleaſed 'to take a ſolemn Oath, in the Preſence of both 'Houſes of Parliament, the Form whereof is to be 'agreed on in Parliament, That ſhe will not here- 'after give any Counſel, or uſe any Mediation, to 'your Majeſty concerning the diſpoſing of any of 'the Offices or Places above-mention'd, or at all 'intermeddle in any of the Affairs of State or Go- 'vernment of the Kingdom. An. 18. Car. I. 1642. April.

6. 'That all great Officers and Counſellors, and 'ſuch others as ſhall be employed in any of the 'Places before mention'd, ſhall take a ſolemn Oath, 'in ſuch Manner and Form as ſhall be preſcribed 'by Parliament, That they have not made Uſe of 'any Power or Mediation of the Queen, directly 'or indirectly, for their Preferment, in obtaining 'any ſuch Place or Employment.

7. 'That the great Affairs of the Kingdom may 'not be concluded or tranſacted by the Advice of 'private Men, or by any unknown or unſworn 'Counſellors; but that ſuch Matters as concern 'the Public, and are proper for your Majeſty's 'Privy-Council, ſhall be debated and concluded by 'ſuch of the Nobility and others as ſhall be recom- 'mended to that Place by Parliament; and ſuch 'other Matters of State as are proper for this High 'Court of Parliament, which is your Majeſty's 'great and ſupreme Council, ſhall be debated, re- 'ſolved, and tranſacted only in Parliament, and 'not elſewhere; and ſuch as ſhall preſume to do 'any Thing to the contrary, ſhall be referr'd to the 'Cenſure and Judgment of Parliament.

8. 'That no Perſon whatever, under the Penal- 'ty of High Treaſon, to be enacted by Parliament, 'ſhall preſume to make, entertain, ſollicit, or fur- 'ther any Propoſitions or Treaty for the Marriage 'of any of the King's Children, with any Prince 'or Perſon of the Popiſh Religion; that no Mar- 'riage for any of the King's Children may be con-

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'cluded with any other Prince or Perſon whatſoever, without the Advice and Conſent of both Houſes of Parliament.

9. 'That none of the King's Children, except the Princeſs *Mary*, already affianced, may, at any Time, go beyond the Seas without the Conſent of both Houſes of Parliament; and that no Perſon, under the Penalty of High Treaſon, to be enacted by Parliament, ſhall adviſe, aſſiſt, or attend any of his Majeſty's Children in ſuch Voyage beyond the Seas, without the like Conſent of both Houſes of Parliament.

10. 'That ſuch Popiſh Prieſts as are already condemned, may be forthwith executed; and ſuch as ſhall hereafter be condemned, may likewiſe be executed according to Law.

11. 'That no Maſs, or Popiſh Service, be ſung or ſaid in the Courts of the King, Queen, Prince, or the Houſe of any Subject in this Kingdom; and that none of your Majeſty's Subjects, or Servants to your Majeſty, the Queen, or any of your Children be preſent at Maſs, or in any other Service of the Church of *Rome*, or in any Place whatſoever, under the Penalty of loſing his Office and Service; over and above the other Penalties already enjoined by Law.

12. 'That ſome more effectual Courſes may be enacted, by Authority of Parliament, for the better Execution of the Laws againſt Papiſts, for the preventing of feign'd Conformity, and diſabling them from making any Diſturbances in the State.

13. 'That the Votes of the Popiſh Lords in the Houſe of Peers be taken away by Act of Parliament.

14. 'That a due Reformation may be made of the Church-Government and Liturgy by the Parliament, and an able preaching Miniſtry may be eſtabliſhed in all Parts of this Kingdom; for which Purpoſe they intend to be aſſiſted with the Advice of ſuch godly and learned Divines, as ſhall be agreed on by both Houſes of Parliament.

15. 'That

15. 'That it may be eſtabliſh'd, by Act of Parliament, That no Perſon ſhall incur any Penalties or Puniſhment for any Omiſſion of the Ceremonies in the Liturgy and Rubric, untill the intended Reformation be made by Parliament; and that ſuch Ceremonies, as are not eſtabliſhed by Law, may forthwith be wholly taken away. An. 18. Car. I. 1642. April.

16. 'That ſuch Delinquents, as ſtand charged in Parliament, for any Offence againſt the Peace and Liberty of the Kingdom or Privilege of Parment, may be left to the Courſe of Juſtice; and ſuch as have, or ſhall fly out of the Kingdom upon any ſuch Charge, ſhall be ſubject to ſuch Penalties and Forfeitures, as ſhall be agreed, and impoſed by Bill, in both Houſes of Parliament.

17. 'That ſuch Perſons, as ſhall be declared in Parliament to adhere to any ſuch Delinquents, and have thereupon any Preferment from your Majeſty, ſhall be removed from thoſe Preferments; and that ſuch as ſhall be declared, by both Houſes of Parliament, to have been employed or uſed as Witneſſes againſt Delinquents, and have thereupon fallen into your Majeſty's Diſpleaſure, and been put out of their Places, ſhall be reſtored to their Places, and to your Majeſty's Favour.

18. 'That every Perſon which, being a Member of the Houſe of Commons in this preſent Parliament, hath been accuſed of any Offence againſt that Houſe; and, that Accuſation depending, hath been called up to the Houſe of Lords, in the Quality of a Peer, ſhall, by Act of Parliament, be put out of that Houſe; and that, hereafter, no Member of the Houſe of Commons, except in caſe of Deſcent, may, without their Conſent, be call'd up to be a Peer in the Lords Houſe.

19. 'That no Perſon, which ſhall hereafter be made a Peer of this Realm, ſhall be admitted to have his Seat or Vote in the Houſe of Peers, without the Conſent of both Houſes of Parliament.

20. 'That thoſe Members of the Houſe of Commons, who have, this Parliament, been called to the Houſe of Peers, except in caſe of Deſcent,

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'may be excluded from giving their Votes in the 'House of Peers, unless both Houses of Parliament 'shall assent thereunto.

21. 'That no Member of either House of Parliament may be preferred, or displaced, sitting the 'Parliament, to or from any Office in the Court 'of the King, Queen, or Prince, or about any 'of the King's Children or public Place of Trust 'in the Commonwealth, or to or from the Benefit of such Place or Places, without Consent 'of that House whereof such Person shall be a 'Member.

22. 'That such Persons, of either House of Parliament who have been preferred to any such Offices or Places, during this Parliament, may be 'put out of those Offices and Places; and that 'those Members of either House of Parliament, 'who, during the Parliament, have been put out of 'any such Offices, Places, or the Benefit thereof, 'may be restored again to those Places and Offices, 'and to the Benefit thereof, upon Petition of that 'House whereof they are Members.

23. 'That no Office or Employment concerning the Justice and Government of the Kingdom, 'or your own Revenue, or Degrees of Serjeant at 'Law, or Custody of any Fort or Castle, or Place 'of Trust, be sold or bestowed for Money to be 'paid to your Majesty, or the Use or Benefit of 'any of your Servants, or any other; and that it 'be declared in Parliament to be a Breach of Trust 'and Duty, both to your Majesty and the Commonwealth, in any of those who, under your 'Majesty, shall have the bestowing of any such 'Place, to take Money for the same, either directly or indirectly, by himself or others; and that 'the Laws in Force against selling of Offices, be 'duly observed for the Time to come, and the Penalties thereby incurr'd not to be discharg'd by any '*Non obstante* or Dispensation; but that Men may 'be preferred for their Ability, Merit, Experience, 'and other public Respects; the People eased of 'all excessive Fees, and unnecessary Delays; and

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'the Proceedings of Juſtice made more eaſy, cer- An. 18 Car. I.
'tain, and indifferent, than of late they have been. 1642.
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24. 'That your Majeſty would be pleaſed to 'diſcover the Names of thoſe Perſons who adviſed 'your Majeſty to iſſue out Warrants for the ſealing 'of the Chambers and Studies of the Lord *Kimbolton*, or of any Member of the Houſe of Commons; and to ſend their Serjeant at Arms to the 'Houſe of Commons to demand ſome of their 'Members; to iſſue out ſeveral Warrants under 'your Majeſty's own Hand to apprehend thoſe 'Members; your Majeſty's coming thither in your 'own Royal Perſon; the ſetting forth of a printed 'Paper, in the Form of a Proclamation, to appre'hend thoſe Members; the exhibiting of Articles 'of Treaſon in the Lords Houſe againſt thoſe 'Members; and who adviſed and contrived theſe 'Articles, or informed your Majeſty of the Mat'ter therein contained.

25. 'That your Majeſty will be pleaſed, accor'ding to Law, not to receive any private Informa'tion or Suggeſtion againſt any Member of Par'liament, for Things done in Parliament; and 'that you will be pleaſed to diſcover the Names of 'thoſe Perſons who have given, or ſhall give, any 'ſuch private Information or Suggeſtion to your 'Majeſty, upon the humble Petition of the reſpec'tive Houſes of Parliament, againſt whoſe Mem'bers any ſuch private Information or Suggeſtion 'have been, or ſhall be, given; and that you would 'be pleaſed to make a public Declaration and Pro'miſe, in Parliament, to that Purpoſe.

'Theſe Things being obtained and confirm'd by 'your Majeſty's princely Favour and Goodneſs, 'they humbly conceive that, thro' the Bleſſing of 'God, it will be an aſſured and effectual Means to 'remove all Jealouſies and Diſtempers betwixt your 'Majeſty and your People, and to eſtabliſh your 'Royal Throne upon the ſure Foundation of their 'Love and Confidence; and thereupon your duti'ful and loyal Subjects ſhall moſt chearfully addreſs 'themſelves, with their Lives and Fortunes, to

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'maintain and defend your Sacred Perſon, and your 'Royal Power and Authority; in a Parliamentary 'Way to ſupport and ſupply your Majeſty in ſo free 'and large a Manner, as may make you as great 'and happy a Prince as any of your moſt renown'd 'Anceſtors; and, upon all Occaſions, they ſhall be 'ready to uſe their utmoſt and moſt faithful Endea-'vours, that your Majeſty, your Royal Queen and 'Princely Iſſue, may enjoy all Honour, Happineſs, 'and Contentment in the Midſt of an humble, obe-'dient, and affectionate People; whereby a hope-'ful Way will be opened for your Majeſty to be-'come a glorious Inſtrument of the Peace and Pro-'ſperity of this Kingdom, and of all your Friends 'and Allies abroad.'

Mr. *Pymme*'s Speech thereupon.

After this his Lordſhip further reported, 'That Mr *Pymme* ſaid, He was commanded by the Knights, Citizens, and Burgeſſes of the Houſe of Commons, to preſent this Declaration, of the Cauſes and Remedies of the Miſchiefs of theſe Times, to their Lordſhips; ſuch as require a preſent Remedy rather than a Declaration, and afterwards to ſay ſomething to prepare your Lordſhips Conſent to it. He ſaid, The Miſchiefs have been expreſſed with more Danger and Violence than many Ages heretofore, and therefore your Lordſhips will not wonder that ſomething extraordinary be in the Cure; yet the Houſe of Commons ſay they have kept themſelves within the Bounds of their Duty and Modeſty, as ſuch who are for the Advantage of the King as well as of the Subject. He ſaid, If theſe Cauſes and Remedies be duly conſidered, in relation to the great Diſtractions of the Kingdom, your Lordſhips would think all of them neceſſary and important, and moſt of them without Exceptions; yet he was commanded to touch upon the principal Matters, and remove ſome Objections; which he would do in a few Words, as ſpeaking to thoſe whoſe Reaſons would prevent Diſcourſes.

The *firſt* Objection is, *The naming of ill Counſellors, which might ſeem as an Encroachment upon the Pre-*

Prerogative; *which the Commons, as well as your Lordſhips, will be tender of, ſo far as it ſtands with the Public Good, Peace, and Safety of the Kingdom, for which all Power and Government is framed.* An. 18. Car. I. 1642. April.

Anſwer, 1. 'That antiently, by the Laws of 'this Kingdom, the great Offices of the Realm 'were to be ſettled no other Way, but with Con- 'ſent of Parliament: If the great Places are ſo, it 'is not ſtrange the leſſer ſhould.

2. 'There is but a Recommendation required; 'they have their Authority ſtill from the King. 'Tis known that private Adviſers are heard, who 'deſerve not the Credit which both Houſes of Par- 'liament are of; and ſo long as theſe are done by 'the King's Grant, it affirmeth, not oppoſeth, his 'Prerogative.'

The *ſecond* Objection is to another Head of the firſt Article, *That all Officers ſhould be put out, the Innocent as well as the Nocent: This may ſeem hard.*

Anſwer, 1. 'But this is done to avoid perſonal 'Taxes, that they may go off in a general Throng, 'who have not deſerved well.

2. 'It will be a Means for the more wary Car- 'riage of thoſe, who are not yet ſo clear as to get a 'Confidence with the Subjects.'

The *third* Objection is to the Articles, *That all Jeſuits and Papiſts ſhould be remov'd from the Queen. This is liable to an Objection of debarring the Queen from the Exerciſe of her Religion, and that it is againſt the Public Treaty and Faith given; and ſo may draw ſome Diſhonour, and may be an Occaſion of Enmity againſt us.*

Anſwer. 'That the Houſe of Commons conſi- 'dered that the Law of God, and the Law of the 'Land, was only fit for the Repreſentatives of the 'Body of the Kingdom the Houſe of Commons, 'and the Lords the hereditary Judges of this Realm, 'to judge of; for if there muſt be Idolatry againſt 'the Law of God, it concerns them much to re- 'ſiſt it, leſt they ſhould incur the Divine Wrath; 'and nothing concerns them more than to ſee the

'Laws

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'Laws of this Kingdom executed: Herein we may 'displeaſe Man, we ſhall not God.

'For the Public Faith and League, it is leſs than 'with God; we muſt reſpect the higher, and not 'the lower; no Contract can oblige againſt the 'Law of God, neither can any Contract bind us 'againſt the Law of this Kingdom.'

The *fourth* Objection is, *The Queen's taking an Oath.*

Anſwer. 'The Houſe of Commons deſire it may 'be conſidered how great and how neceſſary a De- 'ſire this is: For the Power ſhe hath had, in diſ- 'poſing of Offices, is known to all your Lordſhips; 'and to avoid this they can have no other Remedy 'but ſome Bond and Tie upon her Conſcience. 'This will argue the Solemnity of theſe Deſires; 'and this, though it be unuſual, the Cauſe is ſo; 'the like urgent Occaſions, ſince the Conqueſt, we 'have not had as now.'

The *fifth* Objection is to that which concerned *the Marriage of the King's Children.*

Anſwer. 'That we never were in any Condition 'which ſo preſſed us to deſire this, as now; and, 'having found ſo much Danger by Marriage with 'a contrary Religion, we ſhould do what we might, 'to avoid the like for the future; therefore it is ne- 'ceſſary that we deal adviſedly in this. The Chil- 'dren of the King are his, yet they are the Chil- 'dren of the Kingdom alſo, and the Law looks 'more to them than to private Men's Children; and 'yet even thoſe the Laws may reſtrain for avoiding 'public Inconvenience. He ſaid, Your Lordſhips 'ſee Religion almoſt gone within theſe two Years, 'and if this Parliament be not a Means to prevent 'it, it will be gone indeed; and therefore, with re- 'lation to Religion, this Article is neceſſary.'

The *ſixth* Objection is, *The Reſtraint of making Peers, and that thoſe, who were Members of the Houſe of Commons, ſhould be removed to that Houſe.*

Anſwer. 'The Houſe of Commons conceive it 'agreeable to the Nature of Parliament, which as

'it

'it is fit for your Lordships to desire none should be made, but by your Consents, so will the House of Commons desire, for themselves, that none of their Body may be taken away, but by their Consent; and in the Case of Assistants in the Peers House, taken from the House of Commons, they have been remanded by that House in several Cases.' An. 18. Car. I. 1642. April.

These are all the particular Objections concerning the general Objection, *That seeing most of these cannot be done without a Bill, why is this Way taken of a Declaration?*

Answer. 'That the Necessity of the Times will not wait for the passing of sundry Bills, which must take up some Time; but it will be a great Comfort to the Kingdom to have the King's Assent before-hand; and it will much conduce to the settling the Minds of Men.'

This Report being ended, it was ordered, That the Matter of it be taken into Debate the next Morning. But we hear no more of this Declaration for some Time; the Substance of it was, afterwards, converted into Nineteen Propositions, which were sent to the King, and will fall in their proper Place.

April 2. This Day the House of Lords was called over, after which a Message from the Commons was received, consisting of several Articles, one of which was an Order of that House, to authorize Sir *John Hotham*, Governor of *Hull*, to suffer the Magazine of Arms and Ammunition there, to be embark'd and brought to *London*; to which they desired their Lordships Concurrence. The Lords agreed that this was requisite to be done; but resolved, on the Question, To have a Conference with the Commons, and propose it to them: That the King might be petitioned to give Leave for it, and to present his Majesty with some Reasons for the same.' Order for bringing the Magazine at *Hull* up to *London*.

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Information being given to the Lords, That *Edward Sandeford*, a Taylor of *London*, had said, That the Earl of *Essex* was a Traitor; that all the Parliament were Traitors; that the Earl of *Warwick* was a Traitor, and wished his Heart in his Boots; and that he cursed the Parliament, and wished Mr. *Pymme* (calling him *King Pymme*) and Sir *John Hotham* both hang'd; the said *Edward Sandeford* was brought to the Bar, and asked what he had to alledge in his Defence; but not being able to disprove the Charge, he and the Witnesses against him were ordered to withdraw. Then the House agreed to the following Sentence against him:

Proceedings against *Edward Sandeford* for aspersing the Parliament.

1. *That the said* Edward Sandeford *should be fined to our Sovereign Lord the King, in the Sum of one hundred Marks.*

2. *That he shall stand on the Pillory in* Cheapside *and* Westminster, *with a Paper on his Head declaring his Offence.*

3. *That when he shall be taken off the Pillory, in each Place, he shall be whipped from thence at a Cart's Tail; the first Day to the* Fleet, *and the second Day to* Bridewell.

4. *That he shall stand committed to the House of Correction in* Bridewell, *there to be kept to work during his Life.*

The Lord-Keeper acquainted the House, that he had received a Message from the King, as an Answer to the Desires of both Houses concerning the Earl of *Warwick*'s being made Commander of the Fleet; which was read *in hæc Verba:*

CHARLES *R.*

Right Trusty and Well-beloved Counsellor, we greet you well,

The King refuses to let the Earl of *Warwick* command the Fleet:

WE wonder both at the Form and Matter of that inclosed Paper ye sent us, (in the Name of both Houses of Parliament, in yours of the twenty-eighth of March) *it being neither by way of Petition, Declaration,*

tion, or Letter; and, for the Matter, we believe it is the first Time that the Houses of Parliament have taken upon them the Nomination or Recommendation of the chief Sea Commander; but it adds to the Wonder, that Sir John Pennington, *being already appointed by us for that Service, upon the Recommendation of our Admiral, which is so well known that none can be ignorant of it, and no Fault so much as alledged against him, another should be recommended to us; therefore our Resolution upon this Point is, That we will not alter him whom we have already appointed to command this Year's Fleet, whose every way Sufficiency is so universally known; the which we are confident our Admiral, if there shall be Occasion, will make most evident; against whose Testimony we suppose our Parliament will not except. And tho' there were yet none appointed, or the said Sir* John, *thro' some Accident, not able to perform the Service, yet the Men of that Profession are so well known unto us, besides many other Reasons, that, our Admiral excepted because of his Place, Recommendations of that Kind would not be acceptable to us*[r].

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Given at our Court at *York*, the last of *March*, 1642.

The first Thing the Lords did, after reading this Message, was to order it to be communicated to the Commons; the Earl of *Warwick* was next desired to be present in Parliament, as a Peer of this Realm, on *Monday* the fourth of *April* next. Soon after a Message was brought from the Lower House, by Sir *Henry Vane, jun.* to desire their Lordships to join with the Commons, to require the Earl of *Northumberland*, Lord-Admiral, to depute the Earl of *Warwick* to command this Summer's Fleet in Chief; and that they would enjoin the said Earl forthwith to undertake the Charge, and put to Sea immediately; but this was deferred to be considered of on the *Monday* next, to which Day they adjourned. And then,

April

[r] Sir *John Pennington* had the Command of the Fleet sent to *Rochelle*, *Anno* 1625.

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April 4. The foregoing Affair was taken into Consideration, and, after some Debate, it was resolved, on the Question, That the Lord-Admiral should depute the Earl of *Warwick* as chief Commander of the Fleet, *&c.* the following Lords entering their Names as a Protest against it:

Marquis of HERTFORD,
Earl of BATH,
Earl of DEVON,
Earl of MONMOUTH,
Earl of BERKSHIRE,
Earl of CLEVELAND,
Earl of DOVER,
Lord MOWBRAY,
Lord WENTWORTH,
Lord HOWARD de Charlton,
Lord SAVILE,
Lord SEYMOUR,

But he is required to do it by the Parliament.

After this the Lord-Admiral declared his Consent to the Desire of both Houses to appoint the Earl of *Warwick*; because, he said, it would be for the Safety of his Majesty and the whole Kingdom; and the Earl readily submitted to undertake the Command. Then it was resolved that something should be drawn up for their Indemnity, and a Committee was appointed accordingly.

Mr. *Benyon*'s Answer to his Impeachment.

Next, Mr. *Benyon* delivered in his Answer to the Impeachment of the Commons, of the 31st of *March*, importing, His Denial of having preferred the Petition there mentioned, with any Intent to cross or hinder the Ordinance of Parliament concerning the City Militia; or much less to set Division between the Parliament and the City, *&c.* He own'd that he and one *Robert Gardiner*, Merchant, did draw the said Petition, and that divers Citizens did subscribe the same; but denied that it was wickedly or maliciously contrived; or that he, by false and sinister Persuasions, did go about to procure any Citizen to subscribe, contrary to their own Intention and true Meaning. That he, being a Freeman and Citizen of *London*, had taken an Oath to defend and maintain the Franchises and Customs of the same; and, for above 30 Years, had observ'd that the making and allowing of Captains, and ordering of the Train'd Bands and Arms within

within the said City, were, from Time to Time, directed and disposed by the Lord Mayor and Aldermen, and done by Warrant of the Lord Mayor for the Time being, and not otherwise. Therefore this Defendant, conceiving himself bound by the said Oath, and not upon any wicked or malicious Principles, did draw the said Petition, which he afterwards laid before learned Counsel, by whom the same was approved, *&c.* That as to the Words charged in the Impeachment, to be spoken by him against the Parliament and their Privileges, he denied them; and said, that he never spoke any other Words than such as were lawful and necessary to be used in prosecuting the Petitions, which had been some Time before preferred to Parliament, touching the granting of Protections, *&c.* and on which a Bill was then depending in the Upper House. He denied, also, the Words charged on him for hindering the Loan of Money for the Public Use, and all other Circumstances relative thereto. An. 18. Car. I. 1642. April.

This Answer being read, the Lords ordered the further Hearing of this Cause to be at the Bar of their House, on *Wednesday* Morning next, being the 6th Inst.

April 5. The Declaration brought up from the House of Commons by Mr. *Pymme*, and reported by the Lord *Roberts* on the first of this Month, containing a Collection of Evils and Grievances in the Government, with the Remedies proposed for the Cure of them, was this Day read before the Lords: When a Debate arose upon the first Article of the Remedies, which was, 'To remove every Privy Counsellor and great Officer of State, (except Offices by Inheritance) that was not approved on by Parliament; and to debar the King from taking any other, for the future, without their Approbation, *&c.*' Debate on the foregoing Declaration about Grievances.

A Motion being made, and the Question put, That this House shall join with the Commons in petitioning the King to give his Royal Assent to this Article, as one of the Remedies to cure the

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Diſtractions and Evils of the Times, it paſſed in the Affirmative; but the following Lords entered their Names as a Diſſent againſt it:

Marquis of HERTFORD,	*Lord* MOUBRAY,
Earl of BATH,	*Lord* STRANGE,
Earl of DEVON,	*Lord* GREY,
Earl of MONMOUTH,	*Lord* WENTWORTH,
Earl of BERKSHIRE,	*Lord* HOWARD de Charlton,
Earl of WESTMORELAND,	*Lord* SAVILE,
Earl of CLEVELAND,	*Lord* COVENTRY,
Earl of DOVER,	*Lord* CAPEL,
Earl of PORTLAND,	*Lord* SEYMOUR.

Proceedings in the Trial of Mr. *Benyon*.

April 6. This Day the Lords proceeded in the Trial of *George Benyon*, and the Committee of the Houſe of Commons being come up, he was brought to the Bar as a Delinquent; when Mr. Serjeant *Wylde* deſired that the Impeachment againſt the ſaid *Benyon* might be again read; after which Mr. *Glynne* opened Part of his Charge, which he made to conſiſt of two Articles.

1. 'That *George Benyon*'s maliciouſly contriving, ſubſcribing, procuring, and getting Hands to a falſe, dangerous, and ſeditious Petition, containing therein divers falſe, ſcandalous, and ſeditious Matters.

2. 'For ſpeaking divers falſe and ſcandalous Speeches in Derogation of the Privilege of Parliament.'

To prove the firſt, theſe Witneſſes were produced, and depoſed as follows:

Henry Moſs, Scrivener, ſaid, 'That Mr. *Robert Gardiner* brought the Petition to his Shop to be ſubſcribed, and *George Benyon* brought many Perſons along with him to ſubſcribe the ſame. That he appeared in it more than any other, coming four or five Times a Day, to inquire how the Subſcription went forward. He further ſaid, That he ſubſcribed the ſaid Petition himſelf, becauſe he heard *George Benyon* ſay that it was approved of by Counſel. And he aſking *Benyon* if it was not too late to preſent the ſaid Petition to Parliament, now that

the

the Ordinance for the Militia was settled, he answered, 'It was not.' An. 18. Car. 1. 1642. April.

Edmund Harvey said, 'He went with Mr. *Benyon* to see the said Petition, at *Moss*'s Shop; and, after he had read it, he told *George Benyon* he would not subscribe it, because it was full of Untruths; for the Lord Mayor hath no Power over the Militia, because he cannot draw out any of the Train'd Bands, on *Shrove-Tuesday*, without Authority from the King; and further he told *Benyon*, He heard the Ordinance for settling the Militia was pass'd already in Parliament; and therefore thought it would come too late. *Benyon* answered, That he had taken Mr. Recorder's Opinion on the Petition, and he thought it right; and said, It would not come too late.'

Symon Edmonds and *John Offley* deposed much to the same Purpose with the former; and for the Words, there was only *Robert Stevens* produced to prove them.

After this Mr. *Glynne* observed, 'That the Time when the Ordinance for the Militia passed in Parliament, was the ninth of *February* last, and the Discourse concerning this Petition was on the nineteenth. That the Time when *George Benyon* presented this seditious Petition was, when both Houses had declared that the Kingdom was in imminent Danger. The Consequence of this ill Example was, That other Counties had taken the same Boldness to contrive Petitions of this Nature; and the King's Answer, of *February* the twenty-eighth last, had succeeded it. For these great Crimes and Misdemeanors the Committee desired, in the Behalf of the House of Commons, that their Lordships would give some severe Judgment against the said *George Benyon*.'

Mr. *Benyon* then made it his humble Desire, That he might answer by his Counsel; and that the same Witnesses, which were produced now against him, might be present when his Defence was made; and he to have Liberty to cross-examine them; which

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was granted, and ordered that this Cauſe be further proceeded in at Three this Afternoon.

Poſt Merid. The King's Commiſſion was read, in Form, for paſſing a Bill *To explain the Act for the effectual reducing of the* Iriſh *Rebellion.*

The Houſe of Commons ſent up a Meſſage to inform the Lords, That Sir *Edward Dering*, being committed to the Cuſtody of the Serjeant, had made his Eſcape: They therefore deſired that ſome ſpeedy Courſe might be taken to ſtop him at the Ports and bring him back; which the Lords ordered accordingly. They then proceeded in Mr. *Benyon*'s Cauſe; when divers Witneſſes were produced to ſhew, That there was nothing of Sedition nor Malice in Mr. *Benyon*, in the Management of the Petition, as is charged; but that, by the Command of the Lord Mayor, he adviſed with the Recorder about it, who approved of it both for the legal and cuſtomary Part. He likewiſe ſhewed, That the Practice had been for the Lord Mayor of *London* to make Choice of the Train'd Bands belonging to the City.

To the *ſecond* Part of his Charge, concerning ſcandalous Words, he proved, by four other Witneſſes, That he ſpoke no ſuch Words as were charged againſt him.

April 7. This Day the Lords took into ſerious Conſideration the Impeachment of the Commons againſt *George Benyon*, and likewiſe his Anſwer and Defence; and, after ſeveral Queſtions, at laſt reſolved on the following Sentence againſt him:

The Sentence againſt him.

1. *That the ſaid* George Benyon, *for the firſt Offence charged, (the ſecond for Words being drop'd) ſhall be diſfranchiſed the City of* London.

2. *That he ſhall for ever, hereafter, be incapable of bearing any Place or Office in the Commonwealth.*

3. *That he ſhall be fined* 3000 l. *to the King.*

4. *That he ſhall be impriſoned in the Caſtle of* Colcheſter *for two Years; and, after that Time, to find ſuch*

such Sureties for his Behaviour as this House shall think fit.[a] An. 18. Car. I. 1642. April.

All which Sentence, in the Presence of the Commons, was pronounced against him.

The same Day, also, the Commons sent up an Impeachment against Sir *William Wilmer*, Knight, then High Sheriff of the County of *Northampton*, for high Crimes and Misdemeanors, for breaking the Privileges of Parliament, and for endeavouring to disturb the Peace of the Kingdom by seditious Words and Actions.

The principal Complaint against this Gentleman was, for publishing, by Virtue of his Majesty's Warrant, a printed Book, intitled, *Several Petitions and Messages of Parliament, concerning the Militia of the Kingdom, with his Majesty's Answers thereto*, and granting a Warrant of his own to enforce it. All which the said Gentleman had confessed; but the farther Consideration of this Affair was deferred to another Time.

April 8. The Commons sent up, *inter alia*, an Order concerning reforming some Innovations in the Church, to which they desired their Lordships Concurrence. The Order was to this Effect:

'That the Lords and Commons did declare, That they intended a due and necessary Reformation of the Government and Liturgy of the Church, and to take away nothing, in the one or the other, but what shall be evil and justly offensive, or, at least, unnecessary and burdensome; and for the better effecting thereof, speedily to have Consultation with godly and learned Divines. Likewise to establish learned, preaching Ministers, with good and sufficient Maintenance, throughout the Kingdom, *&c.*' Agreed to, and afterwards ordered to be printed. Order concerning a further Reformation in the Church.

A Conference was held this Day between the two Houses, the Report of which was, 'That the

[a] Lord *Clarendon* says, That the Reasons of Mr. *Benyon*'s being committed to *Colchester* Goal was, Because his Reputation was so great in *London*, that they would not trust him in a City Prison.

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Commons did not see any Reason to alter their Resolution for removing the Arms and Ammunition from *Hull* to *London*; it being so far remote, and the King at such a Distance, it would retard the Business to send to him, and Delay would prove very prejudicial to so important a Business as required Haste: The Kingdom was at that Time in imminent Danger, and the North Part of it they conceive to be in the most: That it was a great Charge to keep a Garrison of 900 Men in that Town; and it would be fruitless to send to his Majesty about it, as they conceive, having had so many Denials of late of their just Demands.'

A Conference about removing the Garrison of *Hull*.

The Lords enter'd into a Debate on this Message, and it was resolved, upon the Question, to adhere to their former Vote concerning *Hull*; which was, not to remove the Magazine there without the King's Consent.

April 9. This Resolution being communicated to the Lower House, they desired, the next Day, another Conference on this Subject; in the mean while the Lords appointed a Committee to draw up some Reasons to offer to the Commons, for their Refusal to join with them in this last Affair; which were to this Purpose:

'That as it had ever been the Course which, in Cases of like Nature, the Houses have formerly used, the Lords do conceive it convenient to observe the same in this Particular; because they find there is that Malignity in the Counsels and Endeavours of many ill-affected Persons, that they seek and wait for nothing more than Occasion to asperse the Proceedings of Parliament; which evil and dangerous Practice will, by this Way, be best prevented.'

These Reasons being made known to the Commons, they, at last, agreed to join with the Lords in an humble Petition to the King, to remove the Magazine from *Hull*; which was done accordingly. But, at the same Time, they annexed to it another Petition, That the six Popish Priests, who had now lain long under Condemnation, might be executed.

Mr.

Mr. *Leuthall*, the Speaker of the Houſe of Commons, having complained to that Houſe, that his ſtrict and long Attendance on them had very much hurt him, both in his Body and Eſtate, 6000*l.* were this Day voted as a voluntary Gift to him; which, tho', they ſaid, it was but a ſmall Recompence to him, yet, hereafter, they would be ready to expreſs a further Thankfulneſs. Hereupon the Speaker roſe up, and returned his Thanks to the Houſe; aſſuring them that as he had hitherto done, ſo he would continue to ſerve them to the beſt of his Abilities.

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A Preſent of 6000 l. to the Speaker.

April 11. The Lord-Keeper delivered a Letter, directed to himſelf, from the King, and another inclоſed to the Lords; the latter of which was inſtantly read *in hæc Verba:*

The King's Propoſal to go into *Ireland*, to ſuppreſs the Rebellion there.

HIS Majeſty, being grieved at the very Soul for the Calamities of his good Subjects of Ireland, *and being moſt tenderly ſenſible of the falſe and ſcandalous Reports diſperſed amongſt the People, concerning the Rebellion there; which not only wounds his Majeſty in Honour, but likewiſe greatly retards the reducing of that unhappy Kingdom, and multiplies the Diſtractions at home, by weakening the mutual Confidence between him and his People; out of his pious Zeal to the Honour of Almighty God, in eſtabliſhing the true Proteſtant Profeſſion in that Kingdom, and his Princely Care for the Good of all his Dominions, hath firmly reſolved, with all convenient Speed, to go into* Ireland, *to chaſtiſe theſe wicked and deteſtable Rebels; (odious to God and all good Men) thereby to ſettle the Peace of that Kingdom, and the Security of this, that the very Name of Fears and Jealouſies may be no more heard of amongſt us.*

As his Majeſty doubts not but that his Parliament will chearfully give all poſſible Aſſiſtance to this good Work; ſo he requires them, and all his loving Subjects, to believe that he ſhall, upon theſe Conſiderations, as earneſtly purſue this Deſign, not declining any Hazard of his Perſon in performing that Duty which he oweth

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oweth to the Defence of God's true Religion, and his distressed Subjects) as for these and only these Ends he undertakes it; to the Sincerity of which Profession he calls God to witness; with this farther Assurance, That his Majesty will never consent, upon any Pretence whatsoever, to a Toleration of the Popish Profession there, or the Abolition of the Laws now in Force against Popish Recusants in that Kingdom.

His Majesty hath further thought fit to advertise his Parliament, that, towards this Work, he intends to raise forthwith, by his Commissions, in the Counties near West-Chester, *a Guard for his own Person, (when he shall come into* Ireland) *consisting of* 2000 *Foot and* 200 *Horse, which shall be arm'd at* West-Chester *from his Magazine at* Hull: *At which Time all the Officers and Soldiers shall take the Oaths of Supremacy and Allegiance. The Charge of raising and paying whereof his Majesty desires his Parliament to add to their former Undertakings for that War, which his Majesty will well accept; but if their Pay be found too great a Burden to his good Subjects, his Majesty will be willing, by the Advice of his Parliament, to sell or pawn any of his Parks, Lands, or Houses towards the Supplies for the Service of* Ireland: *With the Addition of these Levies to the former of* English *and* Scots *agreed upon in Parliament, he hopes so to appear in this Action, that, by the Assistance of Almighty God, in a short Time that Kingdom may be wholly reduced, and restored to Peace and some Measure of Happiness; whereby he may chearfully return to be welcomed home with the Affections and Blessings of all his good* English *People.*

Toward this good Work, as his Majesty hath lately made Dispatches unto Scotland, *to quicken the Levies there for* Ulster; *so he heartily wishes that his Parliament here would give all possible Expedition to those which they have resolved for* Munster *and* Conaught; *and hopes the Encouragement which the Adventurers (of whose Interest his Majesty will always be very careful) will hereby receive, (as likewise by the late signing of a Commission for the Affairs of* Ireland, *to such Persons as were recommended to him by both Houses of*

of Parliament) will raise full Sums of Money for the doing thereof. An. 18. Car. I. 1642.

His Majesty hath been likewise pleased (out of his earnest Desire to remove all Occasions, which do unhappily multiply Misunderstandings between him and his Parliament) to prepare a Bill to be offered to them by his Attorney concerning the Militia; whereby, he hopes, the Peace and Safety of this Kingdom may be fully secured, to the general Satisfaction of all Men, without Violation of his Majesty's just Rights, or Prejudice to the Liberty of the Subject. If this shall be thankfully received, he is glad of it; if refused, he calls God and all the World to judge on whose Part the Default is. One Thing his Majesty requires, if this Bill be approved of, that if any Corporation shall make their lawful Rights appear, they may be reserved unto them. April.

Before his Majesty shall part from England, *he will take all due Care to intrust such Persons with such Authority in his Absence, as he shall find to be requisite for the Peace and Safety of this Kingdom, and the happy Progress of this Parliament.*

This Message from the King was communicated to the Commons at a Conference this Day; and, soon after, that House sent up Word to the Lords, That they had taken the Message into Consideration; and, judging of it with their Lordships, that it was a Matter of great Importance, they agreed with them that it required Time to answer it. On which the Lords adjourned till the next Day at Two o'Clock.

April 12. The Earl of *Essex*, Lord-Chamberlain of the King's Household, acquainted the House, That having formerly received a Message from his Majesty, to give his Attendance upon him at *York*, their Lordships thought fit to command him to attend the great Affairs then depending in this House. Since which his Lordship had receiv'd another Letter from the King, either to attend him at *York*, or else to deliver the Ensigns of his Office to the Lord *Falk-*

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Falkland, which his Lordship thought it his Duty to lay before the House. The Letter was read in these Words:

Right Trusty and Well-beloved Cousin and Counsellor, we greet you well,

The King requires the Earl of *Essex* to attend him at *York*, or to quit his Office,

WE are so much unsatisfied with the Excuse you made for not obeying our Command, for your Attendance on us here, according to the Duty of your Place in our Household, that we thought good, by these our Letters, to second our former Command; and that you may be the more inexcusable, we have accompanied our said Command with our Licence and Dispensation inclosed for your Absence from Parliament, willing and commanding you, all Delays and Excuses set apart, to attend us here before the eighteenth of this Month, when we have appointed to keep St. George's *Feast. Or, in case you shall persist in your Disobedience, we then require and command you to deliver up into the Hands of the Lord* Falkland, *one of our Principal Secretaries of State, for our Use, the Ensigns of your Office; which, when we last parted from* Whitehall, *you offered to resign to us, rather than you would, at that Time, as we commanded you, wait on us so far as* Hampton-Court; *but we did then, of our Grace and Favour, wish you to consider of it, in hopes you would, upon further Consideration, not have seconded that Disobedience.*

Given at our Court at *York*, *April* the ninth, 1642.

And the Earl of *Holland* also.

The Earl of *Holland* next acquainted the House, That the King had sent him another Letter, to the same Purport as the former, either to attend his Majesty at *York*, as Groom of the Stole, or else to resign up the Ensigns of his Place to the Lord *Falkland*.

The two Earls then made a Narrative of the whole Business concerning their taking Leave of his Majesty at *Whitehall*, the Day he went to *Hampton-Court*; and how they were commanded by the Committee, who then sat at *Grocers-Hall* in *London*,

don, about the great Buſineſs of the Kingdom, to attend that Committee [p]. They then deſired to know, Whether the Houſe would give them Leave to attend his Majeſty at *York*, or not?

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The Lords went into a Debate on this Matter; and, afterwards, reſolv'd to command the two Earls Attendance on this Houſe, on the great and urgent Affairs now depending in Parliament, notwithſtanding his Majeſty's Letters and Diſpenſations; and they, obeying this Order, went forth and delivered up the Enſigns of their Places to the Lord *Falkland*. The Lord-Keeper *Littleton* was, firſt, appointed by the King for the ungrateful Office of demanding their Reſignations; but, at his moſt earneſt Intreaty, was excuſed; and ſo it fell upon the other as Secretary of State.

The Lords refuſe to let them go.

The Lords conſidering this Buſineſs to be a Matter of great Importance, as concerning the Honour and Privilege of Parliament; and that the Earls of *Eſſex* and *Holland* had done nothing but what they ought to have done, in obeying the Commands of the Houſe, took it into ſerious Debate, and made the following Reſolutions:

'*Reſolved*, on the Queſtion, *Nem. Con.* That the Attendance of the Earls of *Eſſex* and *Holland*, on this Houſe, according to the Order of this Houſe, is no Diſobedience to the King's Command.

Reſolutions in conſequence thereof.

'*Reſolved*, &c. That the Removing of the ſaid Earls from their Places in Court, only becauſe they obeyed the Orders and Commands of this Houſe, in their Attendance here in Parliament, according to his Majeſty's Writ of Summons to it, is againſt the Privileges of Parliament.

'*Reſolved*, &c. That the King's Licence and Diſpenſation, under his Privy Signet and Sign Manual, for any Lord's Abſence from Parliament, when the Houſe ſhall command him to attend, cannot diſcharge his Attendance on the ſaid Houſe.

'*Reſolved*, &c. That any Lords, diſobeying the Commands of this Houſe, to give his Attendance here,

[p] See before, p. 210.

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here, notwithstanding any Licence or Dispensation, as aforesaid, is punishable by this House.'

The last Resolution was to have a Conference with the House of Commons, about this Business; and a Committee was appointed to draw up Heads for the same.

Lord *Clarendon* [q] gives a very minute Account of the King's Motives for this ill-timed Resentment against the two Earls: Adding, 'That if the Staff had remained in the Hands of the Earl of *Essex*, by which he was charged with the Defence and Security of the King's Person, he never would have been prevailed with to have taken upon him the Command of the Army, which was afterwards raised against the King, and with which so many Battles were fought; and that it had been very difficult, if not utterly impossible, for the two Houses of Parliament to have raised an Army then, if the Earl of *Essex* had not consented to be General of that Army.'

April 13. The Lord-Keeper signified to the Lords, That the Attorney-General had a Bill to offer to the House, by Command from the King, *For settling the Militia of the Kingdom*; and desired to know to whom he should deliver it. The Lords ordered two Serjeants at Law, then attending upon the House, to go to the Door, and bring it in; which they did accordingly.

The House then took into Consideration the King's last Message, about his going into *Ireland*, and, after a long and serious Debate, it was resolved, upon the Question, *Nem. Con.* 'That it is most dangerous and unsafe; and that this House cannot consent unto his Majesty's going to *Ireland*.'

And this Vote was ordered to be communicated to the Commons, with a Desire that they would appoint a Committee to join with one from the Lords, to take into Consideration this Vote and the King's Message, in all Points except that concerning the Militia.

There

[q] *History*, Vol. II. p. 476.

There having been hardly an Inſtance of an unanimous Negative being put on any Propoſal from the King, in the Houſe of Lords, the Motives to it on this Occaſion may not be improper. The Noble Hiſtorian before cited tells us, *inter alia*, That the true Reaſons which induced the prevailing Party to take this Step was, 'That, by the King's going into *Ireland*, the Managing of the War there would be taken out of their Hands; and ſo, inſtead of having a Nurſery for Soldiers of their own, which they might employ as they ſaw Occaſion; and a Power of raiſing what Money they pleaſed in this Kingdom under that Title, which they might diſpoſe as they found moſt fit for their Affairs; the King would, probably in a ſhort Time, recover one entire Kingdom to his Obedience, by which he might be enabled to preſerve the Peace of the other two.—And that thoſe who uſually oppoſed their Advice, could not endure to think of ſtaying in *England*, where the Power, at leaſt for a Time, would be in them whoſe Government, they knew, would be terrible when his Majeſty ſhould be in *Ireland*.' [r] An. 18. Car. I. 1642. April.

April 14. The Houſe of Commons ſent up to know when their Lordſhips would be ready to give Judgment againſt the Attorney-General. The Lords anſwered, They would take that Buſineſs into Conſideration; and, when they had reſolved what Judgment to give, they would appoint a Time for it.

April 15. The Houſe of Lords was again called over, and it was ordered, That the Committee appointed to conſider of the Abſentees, do meet to adviſe what Fine was fit to impoſe upon thoſe Lords who were abſent, and no Excuſe made for them.

This Day the Lord-Keeper reported the Effect of a Conference held Yeſterday, 'That the Commons did return the Votes they had from their Lordſhips, concerning the Earls of *Eſſex* and *Holland*, agreed to by them, with ſome Alterations and Additions,

[r] *Hiſtory*, Vol. II. p. 493.

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ditions, to which they desired their Lordships Concurrence.

The most material of these were, That they had voted the sending Licences and Dispensations from the King, to discharge the said Earls from their Attendance on Parliament, was a high Breach of Privilege; and the Displacing of those Noblemen, at this Time and on this Occasion, was an Injury to the Parliament and the whole Kingdom.

Additional Resolutions relating to the Earls of *Essex* and *Holland*.

'*Resolved*, That what Person soever shall accept of either of those Offices, thus taken away, untill Satisfaction be given to the Parliament, shall be accounted to do an ignoble Act, and to offer an Affront to Parliament; and thereby render himself unworthy of any Place of Honour or Trust in the Commonwealth.

'*Resolved*, That these Proceedings are the Effect of evil Counsel, to discourage good Men from doing their Duty; and tend to increase the Division between the King and his People, and to the Disturbance of the Peace of the Kingdom.'

All which additional Resolutions of the Commons were agreed to by the Lords.

The Lord-Keeper further reported, 'That Mr. *Pymme* presented a Draught of a Petition to be sent to the King, containing some Reasons against his going into *Ireland*; which was read as follows:

May it please your Majesty,

A Petition from both Houses to the King, against his going to *Ireland*.

'YOUR most loyal and faithful Subjects, the Lords and Commons in Parliament, have 'duly considered the Message received from your 'Majesty, concerning your Purpose of going into '*Ireland*, in your own Person, to prosecute the 'War there with the Bodies of your *English* Sub'jects, levied, transported, and maintained at 'their Charge; which you are pleased to propound 'to us, not as a Matter wherein your Majesty de'sires the Advice of your Parliament, but as already 'firmly resolved on, and forthwith to be put in 'Execution; by granting out Commissions for 'the levying of 2000 Foot and 200 Horse for a Guard

'Guard for your Perſon when you ſhall come into 'that Kingdom: Herein we cannot chuſe but, with 'all Reverence and Humility to your Majeſty, ob- 'ſerve, that you have declined your great Council 'the Parliament, and varied from the uſual Courſe 'of your Royal Predeceſſors; in that a Buſineſs 'of ſo great Importance, concerning the Peace 'and Safety of your Subjects, and wherein they 'have a ſpecial Intereſt by your Majeſty's Promiſe, 'and by thoſe great Sums which they have diſ- 'burſed, and for which they ſtand engaged, ſhould 'be concluded and undertaken without their Ad- 'vice: Whereupon we hold it our Duty to de- 'clare, That if, at this Time, your Majeſty ſhall 'go into *Ireland*, you will very much endanger 'the Safety of your Royal Perſon and Kingdoms, 'and of all other States profeſſing the Proteſtant 'Religion in *Chriſtendom*; and make Way to that 'cruel and bloody Deſign of the Papiſts, every 'where to root out and deſtroy the Reformed Re- 'ligion; as the *Iriſh* Papiſts have, in a great Part, 'already effected in that Kingdom, and, in all 'Likelihood, would quickly be attempted in other 'Places, if the Conſideration of the Strength and 'Union of the two Nations of *England* and *Scot- 'land* did not much hinder and diſcourage the Ex- 'ecution of any ſuch Deſign. And, that we may 'manifeſt to your Majeſty the Danger and Miſery 'which ſuch a Journey and Enterprize would pro- 'duce, we preſent to your Majeſty the Reaſons of 'this our humble Opinion and Advice:

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1. 'Your Royal Perſon will be ſubject not only 'to the Caſualty of War, but to ſecret Practices 'and Conſpiracies; eſpecially your Majeſty con- 'tinuing your Profeſſion to maintain the Proteſtant 'Religion in that Kingdom, which the Papiſts are 'generally bound by their Vow to extirpate.

2. 'It will exceedingly encourage the Rebels, 'who do generally profeſs and declare that your 'Majeſty doth favour and allow their Proceedings, 'and that this Inſurrection was undertaken by the 'Warrant of your Commiſſion; and it will make

'good

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'good their Expectation of great Advantage by 'your Majesty's Presence, at a Time of so much 'Distraction in this Kingdom, whereby they may 'hope we shall be disabled to supply the War there; 'especially there appearing less Necessity of your 'Majesty's Journey at this Time, by reason of the 'manifold Successes which God hath given us 'against them.

3. 'It will much hinder and impair the Means 'whereby this War is to be supported, and increase 'the Charge of it; and, in both these Respects, 'make it more insupportable to your Subjects: And 'this we can confidently affirm, because many of 'the Adventurers, who have already subscribed, do, 'upon the Knowledge of your Majesty's Intentions, 'declare their Resolutions not to pay in their Mo-'ney; and others, very willing to have subscribed, 'do now profess the contrary.

4. 'Your Majesty's Absence must, necessarily, 'very much interrupt the Proceedings of Parlia-'ment; and deprive the Subject of the Benefit of 'those further Acts of Grace and Justice, which 'they shall humbly expect from your Majesty, for 'the establishing of a perfect Union and mutual 'Confidence betwixt your Majesty and your People, 'and procuring and confirming the Prosperity and 'Happiness of both.

5. 'It will exceedingly increase the Jealousies 'and Fears of your People, and render their Doubts 'more probable, of some Force intended by some 'evil Counsels near your Majesty, in Opposition 'to the Parliament, and in Favour of the malig-'nant Party of the Kingdom.

6. 'It will bereave your Parliament of that Ad-'vantage, whereby they were induced to undertake 'this War, upon your Majesty's Promise that it 'should be managed by their Advice; which can-'not be done if your Majesty, contrary to their 'Counsels, shall undertake to order and govern it 'in your own Person.

'Upon which, and divers other Reasons, we 'have resolved, by the full and concurring Agree-

'ment

'ment of both Houſes, that we cannot, with the 'Duty which belongs to us, conſent to any Levies, 'or raiſing of Soldiers to be made by your Majeſty, 'for your intended Expedition into *Ireland*; or to 'the Payment of any Army of Soldiers there, but 'ſuch as ſhall be employ'd and govern'd according 'to our Advice and Direction: And if ſuch Levies 'ſhall be made by any Commiſſion of your Maje'ſty, not agreed to by both Houſes of Parliament, 'we ſhall be forced to interpret the ſame to be raiſed 'to the Terror of your People, and Diſturbance 'of the Public Peace; and hold ourſelves bound, 'by the Laws of the Kingdom, to apply the Au'thority of Parliament to ſuppreſs the ſame. An. 18. Car. I. 1642. April.

'And we do further moſt humbly declare, That 'if your Majeſty ſhall, by ill Counſel, be perſuaded 'to go contrary to this Advice of your Parliament, 'which we hope your Majeſty will not, we do not, 'in that Caſe, hold ourſelves bound to ſubmit to any 'Commiſſioners which your Majeſty ſhall chuſe; 'but do reſolve to preſerve and govern the King'dom by the Counſel and Advice of Parliament, 'for your Majeſty and your Poſterity, according 'to our Allegiance and the Law of the Land.

'Wherefore we moſt humbly pray and adviſe 'your Majeſty to deſiſt from this your intended 'Paſſage into *Ireland*, and from all Preparation of 'Men and Arms tending thereunto, and to leave 'the Managing of that War to your Parliament, 'according to your Majeſty's Promiſe made unto 'us, and your Royal Commiſſion granted under 'your Great Seal of *England*, by Advice of both 'Houſes; in Proſecution whereof, by God's Bleſ'ſing, we have made a proſperous Entrance by 'many Defeats of the Rebels, whereby they are 'much weakened and diſheartened, and have no 'probable Means of Subſiſtance: And, if our Pro'ceedings ſhall not be interrupted by this Interpo'ſition of your Majeſty's Journey, we may hope, 'upon good Grounds, that within a ſhort Time, 'without Hazard of your Majeſty's Perſon, and ſo 'much dangerous Confuſion to your Kingdoms,

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'which must needs ensue, if you should proceed in 'this Resolution) we shall be enabled fully to vin-'dicate your Majesty's Right and Authority in that 'Kingdom; punish those horrible and outrageous 'Cruelties which have been committed in the mur-'dering and spoiling so many of your Subjects; and 'bring that Realm to such a Condition as may be 'much for the Advantage of your Majesty and this 'Crown, the Honour of your Government, and 'Contentment of your People: For the better and 'more speedy effecting whereof, we do again re-'new our humble Desires of your Return to your Par-'liament; and that you will please to reject all Coun-'sels and Apprehensions which may anyway derogate 'from that Faithfulness and Allegiance, which, in 'Truth and Sincerity, we have always borne and 'professed to your Majesty, and shall ever make good 'to the utmost, with our Lives and Fortunes.'

Resolutions occasioned in consequence thereof.

After the reading of this Petition, the Lords resolved, That they agreed with the Commons in the whole of it, excepting one Expression, which was in the Original, viz. *And to desert the Government and Protection of your People, in this Time of great Danger and Necessities of the Kingdom*; which, upon this Remonstrance, the Commons thought fit to expunge. Then the said Petition was order'd to be sent to the King at *York*, by the Earl of *Stamford*, Sir *John Colepeper*, and Mr. *Anthony Hungerford*.

Another Resolution of the Commons was read and agreed to by the Lords, which was, That, in respect of the great Fears and Distractions of this Kingdom, and for the Security of his Majesty's good Subjects; and in regard that he has committed the managing of the War in *Ireland* to the Parliament; if any Man shall endeavour to raise Forces, for *Ireland*, otherwise, or continue any Forces so raised, without Consent of both Houses of Parliament, it is declared, That he is an Enemy to the State, and liable to the Censure of Parliament.' This Vote to be sent to all Sheriffs, to suppress and hinder all those that shall endeavour to raise Forces contrary to it; as,

as, alſo, to Sir *John Hotham*, at *Hull*, and to require him to obſerve the Orders formerly given him. An. 18. Car. I. 1642. April.

April 16. The Lord-Keeper acquainted the Houſe, That he had received a Letter from the King, with a Meſſage incloſed, which he was commanded to communicate to both Houſes of Parliament. It was to this Effect:

The King's Meſſage relating to the Garriſon at *Hull*, &c.

WE rather expected, and have done ſo long, that you ſhould have given us an Account why a Garriſon hath been placed in our Town of Hull, *without our Conſent, and Soldiers billeted there againſt Law and the expreſs Words of the Petition of Right, than to be moved (for the avoiding of a needleſs Charge you have put upon yourſelves) to give our Conſent for the Removal of our Magazine and Munition, (our own proper Goods) upon ſuch general Reaſons, as indeed give no Satisfaction to our Judgment: And ſince you have made the Buſineſs of* Hull *your Argument, we would gladly be informed, why our own Inclination, on the general Rumour of the Deſigns of Papiſts in the Northern Parts, was not thought ſufficient Grounds for us to put a Perſon of Honour, Fortune, and unblemiſhed Reputation, into a Town and Fort of our own, where our own Magazine lay; and yet the ſame Rumour be Warrant enough for you to commit the ſame Town and Fort, without our Conſent, to the Hands of Sir* John Hotham, *with a Power unagreeable to the Law of the Land, or the Liberty of the Subject; and yet of this, in point of Right or Privilege, (for ſure we are not without Privilege too) we have not all this while complained; and being confident that that Place (whatſoever Diſcourſe there is of public or private Inſtructions to the contrary) ſhall be ſpeedily given up, if we ſhall require it, we ſhall be contented to diſpoſe our Ammunition there, as we have done in other Places, for the Public Eaſe and Benefit, as, upon particular Advice, we ſhall find convenient; tho' we cannot think it fit, or conſent, that the whole Magazine be removed together; but when you ſhall agree upon ſuch Proportions as ſhall be held neceſ-*

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fary for any particular Service, we shall sign such Warrants as shall be agreeable to Wisdom and Reason: And if any of them be designed for Ulster *or* Leinster, *you know well the Conveyance will be more easy and convenient from the Place they now are in. Yet we must tell you, that if the Fears are so great from the Papists at home, or of Foreign Force, as is pretended, it seems strange that you make no Provision of Arms and Munition for Defence of this Kingdom, rather than seek to carry any more from hence, without some Course taken for Supply; especially if you remember your Engagement to our* Scots *Subjects, for that Proportion of Arms which is contained in our Treaty. We speak not this, as not thinking the sending of Arms to* Ireland *very necessary, but only for the Way of the Provision; for you know what great Quantities we have assign'd out of our several Stores, which, in due Time, we hope you will see replenished. For the Charge of looking to the Magazine at* Hull; *as it was undertaken voluntarily by you at first, and, to say no more, unnecessarily; so you may free our good People of that Charge, and leave it to us to look to, who are the proper Owner of it: And this, we hope, will give you full Satisfaction in this Point; and that you do not, as you have done in the Business of the Militia, send this Message out of complemental Ceremony, resolving to be your own Carvers at last: For we must tell you, if any Attempt, or Direction, shall be made, or given, in this Matter, without our Consent or Approbation, we shall deem it as an Act of Violence against us; and declare it to all the World as the greatest Violation of our Rights and Breach of our Privilege.*

Concerning the six Priests condemned; it is true they were reprieved by our Warrant, being informed that they were, by some Restraint, disabled to take the Benefit of our former Proclamation: Since that we have issued out another for the due Execution of the Laws against Papists; and have most solemnly promised, in the Word of a King, never to pardon any Priest, without your Consent, which shall be found guilty by Law; desiring to banish these, having hereunto sent a Warrant to that Purpose, if, upon second Thoughts

Thoughts you do not disapprove thereof; but if you think the Execution of these Persons so very necessary to the great and pious Work of Reformation, we refer it wholly to you; declaring hereby, that, upon such your Resolution, signified to the Ministers of Justice, our Warrant for their Reprieve is determin'd, and the Law to have its free Course. [f] An. 18. Car. I. 1642. April.

And now let us ask you (for we are willing to husband Time, and to dispatch as much as may be under one Message; God knows the Distractions of this Kingdom want a Remedy) will there never be a Time to offer to, as well as to ask of, us? We will propose no more Particulars to you, having no Luck to please or be understood by you. Take your own Time for what concerns our Particular; but be sure you have an early speedy Care of the Public; that is, of the only Rule which preserves the Public, the Law of the Land; preserve the Dignity and Reverence due to That. It was well said in a Speech made by a private Person, but published by Order of the House of Commons this Parliament, [g] The Law is that which puts a Difference betwixt Good and Evil, betwixt Just and Unjust. If you take away the Law, all Things will fall into Confusion; every Man will become a Law to himself; which, in the depraved Condition of human Nature, must needs produce many great Enormities: Lust will become a Law, and Envy will become a Law; Covetousness and Ambition will become Laws; and what Dictates, what Decisions, such Laws will produce, may easily be discerned. *So said that Gentleman, and much more very well, in Defence of the Law and against arbitrary Power: It is worth looking over and considering. And if the most zealous Defence*

[f] Lord *Clarendon* observes, 'That tho' the Parliament were well content, and desirous, that these condemn'd Priests should have been executed by the King's Warrant for taking off his own Reprieve; yet, for many Reasons, they were not willing to take that harsh Part upon Themselves; and so those Priests were no more prosecuted, and were much safer under that Reference for their Execution, than they could have been, at that Time, by a Pardon under the Great Seal of *England*. *Vol.* II. 8vo. *p.* 490.

[g] Mr. *Pymme*, at the Trial of the Earl of *Strafford*.

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of the true Proteſtant Profeſſion, and the moſt reſolved Protection of the Law, be the moſt neceſſary Duty of a Prince, we cannot believe this miſerable Diſtance and Miſunderſtanding can be long continued between us; we having, often and earneſtly, declared them to be the chiefeſt Deſires of our Soul, and the End and Rule of all our Actions.

For Ireland; *we have ſufficiently, and we hope ſatisfactorily, expreſſed to all our good Subjects our hearty Senſe of that ſad Buſineſs, in our ſeveral Meſſages on that Argument; but eſpecially in our laſt of the eighth of this Month, concerning our Reputation for that Service; for the ſpeedy, honourable, and full Performance whereof, we conjure you to yield all poſſible Aſſiſtance and preſent Advice.*

Which gives great Offence to both Houſes.

After the reading of this Meſſage, a Conference was deſired with the Commons about it, being a Matter, as they termed it, of dangerous Conſequence; and a Committee of Lords were appointed to draw up Heads for that Purpoſe. Theſe, ſoon after, brought in the following:

'To let the Houſe of Commons know, that this Houſe has reſolved, That it is neceſſary the Magazine at *Hull* be removed to the *Tower* of *London*; becauſe they believe that thoſe evil Counſellors, who adviſed this Anſwer, wherein there is a Threatening of the Parliament, and an unjuſt Charge of Violation of the Laws, have a Deſign to ſtay thoſe Arms there; that they may make Uſe of them to the Diſturbance of the Peace of the Kingdom, and the Ruin and Subverſion of it. To deſire a Committee of both Houſes may be appointed to draw up the Reaſons, which induced the Houſes to deſire the Magazine might be removed from *Hull*; reſolving to publiſh them, with their Petition to the King, and his Anſwer to it.'

This Propoſition was agreed to by the Commons.

Votes thereupon.

April 18. Two Votes of the Commons were ſent up to the Lords concerning *Hull*, to which they deſired their Lordſhips Concurrence. The *firſt*

first was, 'To urge the Neceſſity of removing the Magazine there;' and the *ſecond* was, 'To indemnify Sir *John Hotham* and his Son, and all other Perſons under their Command, for doing what they had already done; and that they ſhould have the Aſſiſtance of Parliament againſt any Inconveniences they might incur by yielding Obedience to their Command, in this neceſſary and important Service.' Agreed to; the following Lords diſſenting, the Earls of *Bath*, *Monmouth*, *Cleveland*, and *Dover*, with the Lords *Mowbray*, *Grey*, *Howard*, and *Savile*. An. 18. Car. I. 1642. April.

April 19. The Lords read a third Time, and paſſed, a Bill *For the ordering the Militia, in the Kingdom of* England *and Dominion of* Wales, the Earl of *Portland* only diſſenting; and ſent it down to the Commons, deſiring their Expedition in it.

April 21. The Houſe of Lords was again called over, and the Names of the Abſentees were ſet down in the *Journal*. A Declaration, from both Houſes, was order'd to be drawn up againſt Counter-Petitions concerning their Proceedings in regard to the Militia. This was done on account of the remarkable Petition of Mr. *Benyon* and that intended from the County of *Kent*, as before-mentioned. Lord *Clarendon* hereupon obſerves, That the Argument made uſe of in the Houſe againſt thoſe Petitions, and others of the like Kind, was, 'That no Man ought to petition for the Government eſtabliſhed by Law, becauſe he had already his Wiſh; but they that deſir'd an Alteration could not otherwiſe have their Deſires known; and therefore were to be countenanced.' [h] An Order againſt Counter-Petitions.

April 22. A Letter from the Earl of *Stamford* to the Lord-Keeper was read, importing his Majeſty's preſent Anſwer to the Parliament's laſt Petition to him, 'That he had thought ſomething of it, and is much unſatisfied with many Expreſſions therein: That he would ſhortly ſend to his Parliament a par-

[h] Vol. II. p. 449.

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particular Anſwer; but, for the preſent, he was reſolved to do nothing concerning the *Iriſh* Journey untill they ſhould hear from him again.'

The Bill for ſettling the Militia having paſſed the Houſe of Commons, with ſome Amendments and Alterations, it was ſent back to the Lords, with a Deſire that it might, immediately, be ſent to the King for a Commiſſion to paſs it into a Law.

April 23. A Meſſage was ſent to the Houſe of Commons, to let them know that their Lordſhips were ready to give Judgment againſt Mr. Attorney-General, if they would come, with their Speaker, to demand it. Accordingly the Commons being come up, and the Peers in their Robes, the Lord Chief Juſtice of the Common-Pleas, in the Abſence of the Lord-Keeper, pronounced Sentence upon him as follows:

Sentence pronounced againſt the Attorney-General, in the Caſe of Lord Kimbolton, &c.

Whereas Sir Edward Herbert, *Knt. his Majeſty's Attorney-General, hath been impeached by the Knights, Citizens, and Burgeſſes of the Houſe of Commons, for the adviſing, contriving, and publiſhing certain falſe, ſcandalous, and malicious Articles of High Treaſon againſt the Lord* Kimbolton, *one of the Members of the Houſe of Peers; Sir* Arthur Haſelrigge, *Knt.* Denzil Holles, John Pymme, John Hampden, *and* William Strode, *Eſqrs. being then, and yet, Members of the Houſe of Commons; and for cauſing Articles of High Treaſon to be entered into the Clerk's Book of the ſaid Houſe of Peers, which was done againſt the Privileges of Parliament, tending to the Subverſion of the antient Rights and Being of Parliaments, and againſt the Liberty of the Subject, and contrary to his Oath and the Laws of this Realm:*

The Lords, having taken the ſaid Charge into due Conſideration, do find him guilty of exhibiting the ſaid Articles unto the Houſe of Peers, and cauſing the ſame to be entered in the Clerk's Book of the ſaid Houſe; intending thereby falſely, unlawfully, and maliciouſly to deprive the ſaid Houſes of the ſaid ſeveral Members;

all

all which Doings were, and are, high Breaches of the Privileges of Parliament, tending to the Subversion of the antient Rights and Being of Parliaments, and contrary to the Liberty of the Subject, and are of great Scandal to his Majesty and his Government, and against the Laws of this Realm; for which Offences this High Court doth award and adjudge,

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1. *That the said Sir* Edward Herbert, *his Majesty's Attorney-General, is, by Sentence of this House, disabled, and made incapable of being a Member-Assistant, or Pleader, in either House of Parliament, and of all Offices, saving that of Attorney-General, which he now holds.*

2. *That Mr. Attorney-General shall be forthwith committed to the Prison of the* Fleet, *during the Pleasure of this House.*

April 25. The Lord-Keeper signified to the House, that he had received two Letters from the King, wherein were two Messages inclosed, which he was commanded to communicate to the House, and they were read accordingly. The first was this:

The King's Answer to the Parliament's Petition against his going to *Ireland*.

WE are so troubled and astonished to find the unexpected Reception and Misunderstanding of our Message, of the eighth of April, *concerning our* Irish *Journey, that being so much disappointed of the Approbation and Thanks we looked for to that Declaration, we have great Cause to doubt, whether it be in our Power to say or do any Thing which shall not fall within the like Interpretation. But as we have, in that Message, called God to witness the Sincerity of the Profession of our only Ends for the undertaking that Journey; so we must appeal to all our good Subjects and the whole World, whether the Reasons alledged against that Journey be of Weight to satisfy our Understanding, or the Counsel presented to dissuade us from it be full of that Duty as is like to prevail over our Affections.*

For our resolving of so great a Business without the Advice of our Parliament, we must remember you how often

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often, by our Meſſages, we made the ſame Offer, if you ſhould adviſe us thereunto; to which you never gave us the leaſt Anſwer; but in your late Declaration told us, That ye were not to be ſatisfied with Words; ſo that we had Reaſon to conceive you rather avoided, out of Regard to our Perſon, to give us Counſel to run that Hazard, than that you diſapproved the Inclination. And what greater Comfort, or Security, can the Proteſtants of Chriſtendom receive, than by ſeeing a Proteſtant King venture and engage his Perſon for the Defence of that Profeſſion, and the Suppreſſion of Popery, to which we ſolemnly proteſted, in that Meſſage, never to grant a Toleration upon what Pretence ſoever, or an Abolition of any of the Laws there in Force againſt the Profeſſors of it. And when we conſider the great Calamities, and unheard-of Cruelties, our poor Proteſtant Subjects in that Kingdom have undergone for the Space of near or full ſix Months; the Growth and Increaſe of the Strength of thoſe barbarous Rebels, and the evident Probability of foreign Supplies, if they are not ſpeedily ſuppreſſed; the very ſlow Succours hitherto ſent them from hence; that the Officers of ſeveral Regiments, who have long Time been allowed Entertainment from you for that Service, have not raiſed any Supply or Succour for that Kingdom; that many Troops of Horſe have long laid near Cheſter *untranſported; that the Lord-Lieutenant of* Ireland, *on whom we relied principally for the Conduct and Managing of Affairs there, is ſtill in this Kingdom; notwithſtanding our Earneſtneſs expreſſed that he ſhould repair to his Command. And when we conſider the many and great Scandals raiſed upon ourſelf by Report of the Rebels, and not ſufficiently diſcountenanced here, notwithſtanding ſo many Profeſſions of ours: And had ſeen a Book, lately printed by the Order of the Houſe of Commons, intitled,* A Remonſtrance of divers remarkable Paſſages concerning the Church and Kingdom of *Ireland; wherein ſome Examinations are ſet down, which, how improbable or impoſſible ſoever, may make an Impreſſion in the Minds of many of our weak Subjects. And laſtly, when we duly weigh the Diſhonour which will perpetually*

petually lie upon this Kingdom, if full and ſpeedy Relief be not diſpatched thither: We could not, nor cannot, think of a better Way to diſcharge our Duty to Almighty God, for the Defence of the true Proteſtant Profeſſion; or to manifeſt our Affection to our three Kingdoms, for their Preſervation, than by engaging our Perſon in this Expedition; as many of our Royal Progenitors have done, even in foreign Parts, upon Cauſes of leſs Importance and Piety, with great Honour to themſelves, and Advantage to this Kingdom: And therefore we expected, at leaſt, Thanks for ſuch our Inclination. An. 18. Car. I. 1642. April.

For the Danger to our Perſon; we conceive it neceſſary and worthy a King to adventure his Life to preſerve his Kingdom; neither can it be imagined that we will ſit ſtill, and ſuffer our Kingdoms to be loſt, and our good Proteſtant Subjects to be maſſacred, without expoſing our own Perſon to the utmoſt Hazard for their Relief and Preſervation; our Life, when it was moſt pleaſant, being nothing ſo precious to us, as it is and ſhall be to govern and preſerve our People with Honour and Juſtice.

For any Encouragement to the Rebels, becauſe of the Reports they raiſed; we cannot conceive that the Rebels are capable of a greater Terror, than by the Preſence of their lawful King in the Head of an Army to chaſtiſe them: Beſides, it will be an unſpeakable Advantage to them, if any Reports of theirs could hinder us from doing any Thing which were fit for us to do if ſuch Reports were not raiſed: This would quickly teach them, in this jealous Age, to prevent, by ſuch Reports, any other Perſons coming againſt them, whom they had no mind ſhould be ſo employed.

We marvel that the Adventurers, whoſe Advantage was the principal Motive, next the Reaſon before mentioned, to us, ſhould ſo much miſtake our Purpoſe, whoſe Intereſt we conceive muſt be much improved by the Expedition, which we hope, by God's Bleſſing, to uſe in this Service; this being the moſt probable Way for the ſpeedy Conqueſt of the Rebels. Their Lands are ſufficiently ſecured by Act of Parliament.

We

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We think not ourself kindly used, That the Addition of so few Men to your Levies, for a Guard to our Person in Ireland, *should be thought fit for your Refusal: And much more, that having used so many Cautions in that Message, both in the Smallness of the Number; in our having raised none until your Answer; in their being to be raised only near their Place of Shipping; in their being there to be armed, and that, not till they were ready to be shipped; in the Provision, by the Oaths, That none of them should be Papists; (all which appears sufficient to destroy all Grounds of Jealousy of any Force intended by them in Opposition to the Parliament, or Favour to any malignant Party) any Suspicion should, notwithstanding, be grounded upon it.*

Neither can it be understood, when we recommended the Managing of that War to you, That we intended to exclude ourself, or not to be concerned in your Councils; that if we found any Expedient, (which in our Conscience or Understanding we thought necessary for that great Work) we might not put it in Practice: We look upon you as our great Council, whose Advice we always have and will, with great Regard and Deliberation, weigh and consider. But we look upon ourself as neither deprived of our Understanding, or divested of any Right we had, if there were no Parliament sitting. We called you together by our own Writ and Authority, (without which you could not have met) to give us faithful Counsel about our great Affairs; but we resigned not up our own Interest and Freedom. We never subjected ourself to your absolute Determination. We have always weighed your Counsels, as proceeding from a Body intrusted by us: And when we have dissented from you, we have returned you the Reasons which have prevailed with our Conscience and Understanding, with that Candor as a Prince should use towards his Subjects, and that Addition which a Father can express to his Children. What Application hath been used to rectify our Understanding by Reasons, or what Motives have been given to persuade our Affections, we leave all the World to judge; and then we must tell you, That a major

major Part may bind you in Matter of Opinion, we hold ourſelf (and we are ſure the Law, and the Conſtitution of the Kingdom, hath always held the ſame) as free to diſſent (till our Reaſon be convinced for the general Good) as if you delivered no Opinion. An. 18. Car. I. 1642. April.

For our Journey itſelf; the Circumſtances of your Petition are ſuch, as we know not well what Anſwer to return, or whether it were beſt to give any. That Part which pretends to carry Reaſon with it, doth no way ſatisfy us: The other, which is rather Repreheniion and Menace than Advice, cannot ſtagger us. Our Anſwer therefore is, That we ſhall be very glad to find the Work of Ireland *ſo eaſy as you ſeem to think it, which did not ſo appear by any Thing known to us, when we ſent our Meſſage. And though we will never refuſe, or be unwilling, to venture our Perſon, for the Good and Safety of our People, we are not ſo weary of our Life, as to hazard it impertinently. And therefore, ſince you ſeem to have received Advertiſements of ſome late and great Succeſſes in that Kingdom, we will ſtay ſome Time to ſee the Event of thoſe, and not purſue this Reſolution till we have given you a ſecond Notice. But if we find the miſerable Condition of our poor Subjects of that Kingdom be not ſpeedily relieved, we will, with God's Aſſiſtance, viſit them with Succours, as our particular Credit and Intereſt can ſupply us with, if you refuſe to join with us. And we doubt not but the Levies we ſhall make (in which we will obſerve punctually the former and all other Cautions, as may beſt prevent all Fears and Jealouſies, and to uſe no Power but what is legal) will be ſo much to the Satisfaction of our Subjects, as no Perſon will dare preſume to reſiſt our Commands, and if they ſhould, at their Peril. In the mean Time, we hope our Forwardneſs, ſo remarkable to that Service, ſhall be notorious to all the World, and that all Scandals laid on us in that Buſineſs ſhall be clearly wiped away.*

We were ſo careful that our Journey into Ireland *ſhould not interrupt the Proceedings of Parliament, nor deprive our Subjects of any Acts of Juſtice, or fur-*

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further Acts of Grace, for the real Benefit of our People, that we made a free Offer of leaving such Power behind, as should not only be necessary for the Peace and Safety of the Kingdom, but fully provide for the happy Progress of the Parliament. And therefore we cannot but wonder, since such Power hath been always left here by Commission for the Government of this Kingdom, when our Progenitors have been out of the same, during the Sitting of Parliaments; and since yourselves desired that such a Power might be left here by us at our last going into Scotland, *what Law of the Land you have now found to dispense with you from submitting to such Authority, legally derived from us, in our Absence, and to enable you to govern this Kingdom by your own meer Authority!*

For our Return towards London; *we have given you so full an Answer in our last Declaration, and in Answer to your Petition presented to us at* York, *the twenty-sixth of* March *last, that we know not what to add, if you will not provide for our Security with you; nor agree to remove to another Place, where there may not be the same Danger to us: We expected that (since we have been so particular in the Causes and Grounds of our Fears) you should have sent us Word, that you had published such Declarations against future Tumults, and unlawful Assemblies; and taken such Courses for the suppressing of seditious Sermons and Pamphlets, that our Fears of that Kind might be laid aside, before you should press our Return.*

To conclude; we could wish that you would, with the same Strictness and Severity, weigh and examine all your Messages and Expressions to us, as you do those you receive from us; for we are very confident, that if you examine our Rights and Privileges, by what our Predecessors have enjoyed, and your own Addresses, by the usual Courses of your Ancestors, ye will find many Expressions in this Petition warranted only by your own Authority; which indeed we forbear to take Notice of, or to give Answer to, lest we should be tempted, in a just Indignation, to express a greater Passion than we are yet willing to put on. God, in his

his good Time, we hope, will ſo inform the Hearts of all our Subjects, that we ſhall recover from the Miſchief and Danger of this Diſtemper, on whoſe good Pleaſure we will wait with all Patience and Humility. An. 18. Car. I. 1642. April.

The foregoing Meſſage was ordered to be ſent down to the Commons.

The King's ſecond Meſſage was occaſioned by a printed Paper, then induſtriouſly diſperſed over the Kingdom, concerning the Regal Power in the Militia; which we give as follows, from *Huſbands's Collections*; they not being in the *Journals*.

A QUESTION anſwered: How LAWS are to be underſtood, and OBEDIENCE yielded: Neceſſary for the preſent State of Things, touching the MILITIA.

Queſtion. *NOW, in our extream Diſtractions, when foreign Forces threaten, and, probably, are invited, and a Malignant and Popiſh Party at home offended; the Devil hath caſt a Bone, and raiſed a Conteſtation between the King and Parliament, touching the Militia. His Majeſty claims the Diſpoſing of it to be in Him, by the Right of Law; the Parliament ſaith,* Rebus ſic ſtantibus, et nolente Rege, *the Ordering of it is in Them.*

Anſwer. 'This Queſtion may receive its Solu- A Paper diſperſed about, concerning the Nature of Allegiance.
'tion by this Diſtinction, That there is in Laws an
'equitable and a literal Senſe. His Majeſty, let it
'be granted, is intruſted, by Law, with the Mili-
'tia; but 'tis for the Good and Preſervation of the
'Republic, againſt foreign Invaſions, or domeſtic
'Rebellions; for it cannot be ſuppoſed that the Par-
'liament would ever, by Law, intruſt the King
'with the Militia againſt themſelves or the Com-
'monwealth, that intruſts them to provide for
'their Weal, not for their Woe: So that when
'there is certain Appearance, or grounded Suſpicion,
'that the Letter of the Law ſhall be improved againſt
'the Equity of it, (that is, the Public Good, whe-
'ther

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ther of the Body real, or representative) then the Commander, going against its Equity, gives Liberty to the Commanded, to refuse Obedience to the Letter: For the Law, taken abstract from its original Reason and End, is made a Shell without a Kernel, a Shadow without a Substance, and a Body without a Soul. It is the Execution of Laws, according to their Equity and Reason, which, as I may say, is the Spirit that gives Life to Authority; the Letter kills.

'Nor need this Equity be express'd in the Law, being so naturally implied and supposed in all Laws that are not meerly Imperial, from that Analogy which all Bodies Politic hold with the Natural; whence all Government and Governors borrow a proportionable Respect. And, therefore, when the Militia of an Army is committed to the General, it is not with any express Condition that he shall not turn the Mouths of his Cannon against his own Soldiers; for that is so naturally and necessarily implied, that 'tis needless to be express'd; insomuch as if he did attempt or command such a Thing, against the Nature of his Trust and Place, it did, *ipso Facto*, estate the Army in a Right of Disobedience; except we think that Obedience binds Men to cut their own Throats, or at least their Companions.

'And, indeed, if this Distinction be not allowed, then the legal and mix'd Monarchy is the greatest Tyranny; for if Laws invest the King in an absolute Power, and the Letter be not controled by the Equity; then, whereas other Kings that are absolute Monarchs, and do rule by Will, and not by Law, are Tyrants by Force; those that rule by Law, and not by Will, have, hereby, a Tyranny conferred upon them legally: And so the very End of Laws, which is to give Bounds and Limits to the exorbitant Wills of Princes, is, by the Laws themselves, disappointed; for they hereby give Corroboration, and much more Justification, to an arbitrary Tyranny, by making it legal, not assumed; which Laws are ordained to

'cross,

'croſs, not to countenance: And therefore is the 'Letter, where it ſeems abſolute, always to re- 'ceive Qualification from the Equity, elſe the a- 'foreſaid Abſurdity muſt follow.'

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His MAJESTY'S MESSAGE to the Houſe of PEERS, on occaſion of the foregoing PAPER.

HIS Majeſty having ſeen a printed Paper, intituled, A Queſtion anſwered, how Laws are to be underſtood, and Obedience yielded, *which Paper he ſends together with this Meſſage, thinks fit to recommend the Conſideration of it to his Houſe of Peers; that they may uſe all poſſible Care and Diligence for the finding out the Author, and may give Directions to his learned Counſel, to proceed againſt him and the Publiſhers of it, in ſuch a Way as ſhall be agreeable to the Law and the Courſe of Juſtice, as Perſons who endeavour to ſtir up Sedition againſt his Majeſty. And his Majeſty doubts not but they will be very ſenſible how much their own particular Intereſt, as well as the public Government of the Kingdom, is, and muſt be, ſhaken, if ſuch Licence ſhall be permitted to bold factious Spirits, to withdraw his Subjects ſtrict Obedience from the Laws eſtabliſhed, by ſuch ſeditious and treaſonable Diſtinctions. And of Doctrines of this Nature his Majeſty doubts not but that their Lordſhips will publiſh their great Diſlike, it being grown into frequent Diſcourſe, and vented in ſome Pulpits, by thoſe deſperate turbulent Preachers, who are the great Promoters of the Diſtempers of this Time,* That human Laws do not bind the Conſcience; *which being once believed, the Civil Government and Peace of the Kingdom will quickly be diſſolved. His Majeſty expects a ſpeedy Account of their Lordſhips exemplary Juſtice upon the Authors and Publiſhers of this Paper.*

The King's Complaint to the Lords againſt it, as Seditious and Treaſonable;

The Lords being of Opinion, That the King's Complaint againſt the Authors and Publiſhers of the foregoing Paper (as containing ſeditious Expreſſions and treaſonable Diſtinctions) was in the Nature of

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an Inquisition; and holding it proper for Things of that Kind to begin in the House of Commons, and to be brought up to their Lordships in a Parliamentary Way, sent it down to them accordingly.—But it was never more heard of in either House.

Which both Houses pass over unregarded.

At a Conference held this Day, the Commons delivered to the Lords a Copy of a Petition, which had been presented to the King by divers Gentlemen of *Yorkshire*; which was read as follows:

The HUMBLE PETITION of the GENTRY and COMMONS of the County of YORK.

Most Royal Sovereign,

A Petition of the Yorkshire Gentry to the King, for continuing the Magazine at Hull;

Encouraged by your Majesty's many Testimonies of your gracious Goodness to us and our County, which we can never sufficiently acknowledge, we do, in all Duty and Loyalty of Heart, humbly address ourselves to your Sacred Majesty; beseeching you to cast your Eyes and Thoughts on the Safety of your own Royal Person, your Princely Issue, and this whole County; a great Means of which we conceive doth consist in the Arms and Ammunition at Hull, *placed there by your Princely Care and Charge*; [which, by your Majesty, was conceiv'd necessary for the Defence of the Northern Parts of this Kingdom;][k] *and since, upon a general Apprehension of Danger from foreign Parts represented to your Majesty, thought fit, as yet, to be continued: We for our Parts, conceiving ourselves to be still in Danger, do humbly beseech your Majesty, That you would be pleased to take such Course and Order, that your Magazine of Ammunition may still there remain, for the better securing of these and the rest of the Northern Parts; and the rather, because we think it most fit, that that Part of the Kingdom should be best provided, where your Sacred Person doth reside*; your Person being, like *David*'s, the Light of

[k] This Passage is omitted in *Husbands*'s *Collections*, and even in the Edition printed by *Barker*, the King's Printer:—But is supplied from the *Lord's Journals*. This Petition is mentioned, but not entered, in those of the *Commons*.

of *Iſrael*, and more worth than ten thouſand of us.' *Who ſhall daily pray*, &c. An. 18. Car. I. 1642. April.

This Petition was aſſented to, and delivered to the King, by theſe Gentlemen, *viz.* Sir *Francis Wortley*, Sir *William Wentworth*, Sir *John Gibſon*, Sir *Thomas Metham*, Sir *Richard Hutton*, Sir *Paul Neal*, Mr. *Bryan Palmes*, Mr. *George Butler*, Mr. *Dawnay*, Mr. *Mountain*, Capt. *Franck*, and eight or ten Perſons more, whoſe Names, as the *Journals* ſay, were not known.

Which the Parliament reſent.

The Obſervations made by the Houſe of Commons on this Petition, were, *firſt*, The Preface is falſe, being ſtiled, *A Petition of the Gentry and Commons*, when it was delivered only by a few. *Secondly*, That it is wholly grounded upon a Preſumption, that the King and Prince will reſide there; which is directly contrary to the continual Deſires of both Houſes of Parliament, and to their Petition for removing the Magazine from *Hull*, and their Order thereupon. *Thirdly*, That whereas it is pretended that the Magazine was placed there for the Safety of the County, it was much to the Damage and Loſs thereof; being ſo long overburdened with that and the Army. *Fourthly*, That moſt of theſe Subſcribers were the Retractors of their Names from that Petition, which the County of *York* preſented to the King, for the Calling of a Parliament, and join'd with the late Earl of *Strafford* for the Stopping of it.

On theſe Conſiderations the Houſe of Commons conceiv'd this Petition to be of dangerous Conſequence, and an Affront to the Parliament; done on purpoſe to increaſe the Differences between the King and his People, and to make a Faction within that County: Therefore, the Commons deſire their Lordſhips, that the Subſcribers to it may be ſummoned to appear, and anſwer the ſame in Parliament.—This was ordered accordingly.

April 26. The Lord Keeper acquainted the Lords, That he had received a Letter from the King, dated

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at *Beverley*, *April* 24, with a Meſſage incloſed in it, which he was commanded to deliver to the Houſe, and it was read in theſe Words:

The King's Meſſage of Complaint againſt Sir *John Hotham* for refuſing him Entrance into *Hull*.

HIS Majeſty having received the Petition incloſed from moſt of the chief of the Gentry near about York[1], *deſiring the Stay of his Majeſty's Arms and Munition in his Magazine at* Hull; *for the Safety not only of his Majeſty's Perſon and Children, but likewiſe of all theſe* Northern *Parts, the manifold Rumours of great Dangers inducing them to make their ſaid Supplication; thought it moſt fit to go himſelf, in Perſon, to his Town of* Hull, *to view his Arms and Munition there; that thereupon he might give Directions what Part thereof might be neceſſary to remain there, for the Security and Satisfaction of his* Northern *Subjects; and what Part thereof might be ſpared for* Ireland, *and the arming of his Majeſty's* Scots *Subjects that are to go thither; or to repleniſh his chiefeſt Magazine of the* Tower *of* London; *where being come upon the twenty-third of this Inſt.* April, *much contrary to his Expectation, he found all the Gates ſhut upon him, and the Bridges drawn up, by the expreſs Command of Sir* John Hotham; *who, for the preſent, commands a Garriſon there, and from the Walls flatly denied his Majeſty Entrance into his ſaid Town; the Reaſons of the ſaid Denial being as ſtrange to his Majeſty as the Thing itſelf, it being that he could not admit his Majeſty, without Breach of Truſt to his Parliament; which did the more inceniſe his Majeſty's Anger againſt him, for that he, moſt ſeditiouſly and traiterouſly, would have put his Diſobedience upon his Majeſty's Parliament; which his Majeſty being willing to clear, demanded of him, if he had the Impudence to aver that the Parliament had directed him to deny his Majeſty Entrance; and that if he had any ſuch Order, that he ſhould ſhew it in Writing, for otherwiſe his Majeſty could not believe it; which he could no way produce, but maliciouſly made that falſe Interpretation according to his own Inferences, confeſſing that he had no ſuch poſitive Order; which*

[1] That before given.

which his Majesty was ever confident of: But his Majesty, not willing to take so much Pains in vain, offered to come into that his Town with only twenty Horse, finding that the Main of his Pretence lay, that his Majesty's Train was able to command the Garrison; notwithstanding his Majesty was so desirous to go thither in a private Way, that he gave Warning thereof but over Night; which he refusing, but by way of Condition, which his Majesty thought much below him, held it most necessary to declare him Traitor, unless, upon better Thoughts, he should yield Obedience; which he doubly deserved, as well for refusing Entrance to his natural Sovereign, as by laying the Reason thereof, groundlessly and maliciously, upon his Parliament. An. 18. Car. I. 1642. April.

One Circumstance his Majesty cannot forget, That his Son the Duke of York, *and his Nephew the Prince Elector, having gone thither the Day before, Sir* John Hotham *delayed letting of them out to his Majesty, till after some Consultation.*

Hereupon his Majesty hath thought it expedient to demand Justice of his Parliament against the said Sir John Hotham, *to be exemplarily inflicted on him, according to the Laws; and the rather, because his Majesty would give them a fit Occasion to free themselves of this Imputation, by him so injuriously cast upon them, to the end his Majesty may have the easier Way for the chastising of so high a Disobedience.*

The Lords entered into a serious Debate on this last Message, and afterwards came to the following Resolutions:

'*Resolved, &c.* That Sir *John Hotham*, according to this Relation, hath done nothing but in Obedience to the Commands of both Houses of Parliament. The Lords justify Sir *John Hotham*'s Refusal.

'*Resolved, &c.* That this Declaring Sir *John Hotham* a Traitor, being a Member of the House of Commons, is a high Breach of Priviledge of Parliament.

'*Resolved, &c.* That this Declaring Sir *John Hotham* a Traitor, without due Process of Law, is

An. 18. Car. I. 1642. April. against the Liberty of the Subject and the Law of the Land.' It was also ordered to have an immediate Conference with the House of Commons, to communicate the King's Message to them, and these Votes upon it.

This Day the Lord-Keeper reported a Conference, lately had with the House of Commons, concerning Sir *Edward Dering*, That they had presented the following Impeachment against him:

ARTICLES *of* IMPEACHMENT *of Sir* EDWARD DERING, *Knt. and Bart. by the Commons assembled in this present Parliament, in the Name of themselves and of all the Commons of* England, *for high Crimes and Misdemeanors by him committed, as follows*[a]:

Articles of Impeachment against Sir *Edward Dering*, for promoting the *Kentish* Petition.

I. 'THAT whereas an Ordinance was lately made and agreed upon by both Houses of Parliament, for the settling of the Militia of this Kingdom, for the Safety and Preservation thereof in these Times of imminent Danger; the said Sir *Edward Dering*, knowing thereof, and having been, lately, a Member of the Commons House in Parliament, and, by Order of the said House, for Offences by him committed, expell'd the same[b], out of a malicious and wicked Intention to cross and hinder the said Ordinance; to interrupt and scandalize the Proceedings of Parliament; to set Division between his Majesty and the Parliament; and to raise Sedition and Tumult in the County of *Kent*, and in other Parts of this Realm; in or about the Month of *March* last past, by Practice and Combination with *Richard Spencer*, Esq; Sir *Roger Twisden*, Knt. and Bart. and Sir *George Strode*,

[a] These Proceedings against Sir *Edward Dering* are taken from the *Lords Journals*: There is no Mention made of them in *Rushworth* or *Whitlocke*. Lord *Clarendon*, indeed, tells us, 'That several Gentlemen of the County of *Kent*, who had subscribed and advised the Petition, were sent for as Delinquents; and Charges and Articles of Impeachment drawn up against them. *Vol.* II. *p.* 487.

[b] For printing his Speeches.——See before, p. 266.

'*Strode*, Knt. and others, did wickedly and maliciously contrive and frame certain dangerous and seditious Heads or Articles of a Petition to be presented to the Parliament, for and on Behalf of the Gentry, Miniſters, and Commonalty of *Kent*; amongſt which ſome were to this or the like Effect, *viz.* 1ſt, *That no Member of the Houſe of Commons ſhould be put out of the ſaid Houſe, without ſhewing a Reaſon for the ſame; and that they ſhew ſome Cauſe why the ſaid Sir* Edward Dering *was put out of the ſaid Houſe.* 2dly, *That his Majeſty's Subjects ſhould not be bound by any Order of either of the ſaid Houſes.* 3dly, *That no Ordinance of the ſaid Houſe touching the Militia ſhould bind the Subjects, without his Majeſty's Aſſent thereunto.* And for the better effecting thereof, at the Aſſizes holden for the ſaid County, on *Tueſday* the twenty-ſecond of *March*, 1641, the ſaid Sir *Edward Dering*, being then, and yet, a Juſtice of the Peace of the ſaid County, together with the ſaid Sir *George Strode*, and divers other Juſtices of the Peace of the ſaid County, then preſent in Court, by the Practice and Combination aforeſaid, did offer himſelf to ſerve on the Grand Inqueſt at the ſaid Aſſizes; albeit there was another ſufficient Grand Jury then returned by the Sheriff, (whereof he was none) and no Exception taken to the ſame; and that no Juſtice of Peace, or other Gentleman of that Rank and Quality in that County, had ſerved upon any Grand Jury, at the Aſſizes, for many Years then before: And the ſaid Sir *Edward Dering*, together with the other ſaid Juſtices of the Peace, upon their ſaid Offer, being ſworn and impannelled of the ſaid Jury, the ſaid Sir *Edward Dering*, with the ſaid Sir *George Strode*, by the Practice and Combination aforeſaid, and to the Intent and Purpoſe aforeſaid, did tender the ſaid Heads to the ſaid Grand Jury; and did then and there wickedly and unlawfully perſuade, labour, and ſolicit the reſt of the Grand Jury to agree to the ſame; and have them drawn into a Petition to the Parliament, to be preſented by the ſaid Grand

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'Jury to the Judge of the said Assizes and the rest 'of the Bench there, to be by them, assented to 'and approved of; and did then and there wickedly 'conjure the said Grand Jury to Secrecy, and not 'to discover any Thing touching the said Petition, 'till it should be, by them, agreed upon and pre-'sented as aforesaid; falsely persuading them that 'they were thereunto bound by their Oath.

II. 'That whereas the said Grand Jury did not, 'nor would agree to the said Petition or Heads; 'but a great Part of them did utterly refuse and op-'pose the same, and resolve to protest against it; 'yet the said Sir *Edward Dering*, together with the 'said Sir *George Strode*, by the Practice and Com-'bination aforesaid, did, at the same Assizes, wick-'edly and seditiously contrive and frame a danger-'ous, scandalous, and seditious Petition, to be pre-'sented to the Parliament, consisting of many of 'the Heads aforesaid, and others, and the same did 'present to the Bench at the said Assizes; and, by 'false and sinister Objections, Persuasions and So-'licitations, caused the same to be voted and assent-'ed to in open Court; and did further say, That 'the same should be accompanied with 40,000 Per-'sons, and that they should meet at *Deptford*, '*Greenwich*, or *Blackheath*, to go to the Parliament; 'and did likewise openly move in Court, That 'there might be three Copies made of the said Pe-'tition, one to the House of Lords, another to the 'House of Commons, and a third to his Majesty.

III. 'That the said Sir *Edward Dering*, toge-'ther with the said *Richard Spencer*, Sir *Roger* '*Twisden*, Sir *George Strode*, and others, by the 'Practice and Combination, and to the Intent afore-'said, at the said Assizes, and at other Times, did 'wickedly and seditiously publish the said Petition; 'and caused the same to be put into the Hands of 'one *Pope*, an Attorney at Law, dwelling at *Maid-'stone* aforesaid, to make and deliver out Copies 'thereof, to be dispersed throughout the said Coun-'ty; and divers Copies thereof were given out and 'dispersed accordingly.

'IV.

IV. 'That the said Sir *Edward Dering*, toge- An. 18. Car. I.
'ther with the rest of the said Confederates, by the 1642.
'Practice and Combination aforesaid, and to the April.
'Intent aforesaid, did unlawfully, wickedly and
'maliciously, procure many Hands to the said Pe-
'tition; and did labour and solicit divers of the In-
'habitants of the said County to assemble and meet
'at *Deptford* or *Greenwich*, in the said County,
'or some other Place thereabouts, in great Multi-
'tudes, to go along with the said Petition; intend-
'ing thereby to have raised Commotion and Sedi-
'tion amongst the People, and to have awed the
'Parliament.

'All which Doings of the said Sir *Edward De-*
'*ring* and his Confederates, were, and are, great
'and high Breaches of the Privileges of Parliament;
'and contrary to his Oath and the Duty of a Ju-
'stice of Peace; tending to Sedition, and to the
'apparent Danger of both his Majesty's Kingdoms
'of *England* and *Ireland*: And the said Sir *Edward*
'*Dering* being sent for to the House of Commons,
'and under Examination of a Committee of both
'Houses of Parliament for the said Offence, is
'since fled, in great Contempt of both the said
'Houses.

'And the said Commons, by Protestation, saving
'to themselves the Liberty of exhibiting, at any
'Time hereafter, any other Accusation or Impeach-
'ment against the said Sir *Edward Dering*; and of
'replying to the Answer which he shall make to
'the said Articles, or any of them; and of offering
'Proof of the Premisses, or any of them, or of any
'other Impeachment or Accusation which shall be
'exhibited against him, as the Case, according to
'the Course of Parliament, shall require; do pray
'that the said Sir *Edward Dering* may be put to
'answer to all and every the Premisses in the Pre-
'sence of the Commons; and that such further Pro-
'ceedings, Examinations, Judgments and Execu-
'tions may be, upon every of them, had and used
'against him as is agreeable to Law and Justice."

This

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This being read, his Lordſhip reported, 'That the Gentleman of the Houſe of Commons, that manag'd the Conference, ° made ſome Obſervations and ſaid, 'That your Lordſhips ſee by this that hath been read unto you, that *Nondum recentis filii Fatum ſtetit*; that notwithſtanding the many ſtrange and variable Attempts againſt the Parliament, and their wonderful and miraculous Preſervations, yet Miſchief is ſo fruitful and generative as to produce a new Brood of Serpents; which are continually hiſſing, maligning, and practiſing againſt the pious and noble Endeavours of both Houſes, and againſt the Peace, Proſperity, and Happineſs of this afflicted Kingdom. If the evil and ſeducing Spirit, which doth animate theſe Deſigns, were aſked from whence he comes, doubtleſs his Anſwer would be, *From compaſſing the Earth*; having removed his Scene into many ſeveral Parts, and found ſo many Friends and Patrons of his audacious Atchievements, amongſt whom this Gentleman, Sir *Edward Dering*, is one; a Man of Mark and Eminency; of Wit, Learning, and Zeal, at leaſt in Shew and Appearance; and yet all theſe miſerably ſhipwreck'd upon the Shelves and Sands of the *Kentiſh* Shore. The Thing itſelf appears to your Lordſhips to be a manifeſt Breach of the Rules of Law, Juſtice, and Religion; and yet, under the Cloak of all three, a Faſt muſt be proclaimed to take away *Naboth* and his Vineyard. The Yeomanry of *Kent*, heretofore in great Eſteem, is now become vile and contemptible; an extraordinary Grand Jury muſt be prepared of Knights, Gentlemen, and Juſtices of the Peace for ſome extraordinary Service, which your Lordſhips have heard what it is; they muſt deſcend from their Places on the Bench, and from themſelves too, not to ſerve their Country, (for that were no Diſparagement) but to ſerve their own unworthy, ambitious, and ſeditious Ends.

'This Gentleman, a Ringleader, late a Member of the Houſe of Commons, the Grand Jury of the

° Mr. *Pymme* or Mr. *Helles*, they both being appointed for that Purpoſe. *Commons Journals.*

the whole Kingdom; and there ſo highly eſteeming of his own Wiſdom, is contented now to deſcend ſo low as to become one of the Common Jury of the County; ſuch is the Meanneſs and Puſillanimity of high Thoughts, as, for compaſſing of their own Ends, to ſtoop to any Condition how low ſoever it may be. An. 18. Car. I. 1642. April.

'Having thus ſet the Cards, he plays the Game very foully; he leads his Fellows out of the Way; and makes them, like ill Hunters, inſtead of following the Chace, at the Queſt of one ill Mouth, to fall upon a Flock of Sheep. Their Duty was to have inquired, diligently, of the Matters given them in Charge. Surely this was out of the Charge, becauſe the Judge had told them it was out of his Commiſſion; and yet they leave other Matters, which they were charged with, as Accidents and Triſles; and inſiſt upon this, which they had nothing to do with, as the principal Buſineſs.

'He obtrudes on them divers monſtrous and ſeditious Heads; and, by ſiniſter Suggeſtions, Labours and Solicitations, which ought not to be uſed to a Jury; and, by a kind of Violence offered them, ſeeks to enforce them to a Conſent, contrary to their own Reaſon, Judgment, and Conſciences, when they refuſed, oppoſed, and proteſted againſt it. Failing of this,

Flectere ſi nequeam Superos, Acheronta movebo:

Inſtead of enquiring upon the Statute of Witchcraft and Conjuration, he uſeth his Conjurations and Enchantments upon them, to conjure them to Secrecy; falſely perſuading them that they will be bound unto it by their Oath: When all this would not ſerve, he then applies himſelf to the Bench; and, by the Inchantments and Conjurations uſed there, prevails ſo far as to have it there voted and aſſented to by ſuch as were preſent; and, to give the more Strength and Countenance to it, wants not the Aid and Concurrence of ſome appearing Reverend Divines, and of Civilians alſo; and ſticks not to af-

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affirm, that he can have 40,000 Persons to attend the Petition; proclaims a Meeting at *Blackheath*, a Place fatal and ominous for Actions of this Nature; and all this under Colour of a Petition; being, in Truth, a Challenge, an Adjuration, and a Scandal upon the Parliament; and purporting nothing else but a desperate Design to put not only *Kent*, but, for ought is known, all *Christendom* into Combustion, carrying the Sails full swollen with Spite, Arrogancy, and Sedition. The particular Instances he forbore to trouble your Lordships with, because you will find some of them upon Perusal of the Petition. He said many Arguments he might use in Aggravation of them, from the Eminency of the Power of the Person, and the Arrogancy of his Mind; the Acrimony of his Spirit, and from the topping Place of *Kent*, which former Ages hath found obnoxious to these Infelicities; which this Gentleman, so well read in Story, should have been mindful of in these troublesome Times: But all these, and other Circumstances, he left to your Lordships noble and judicious Consideration; desiring, amongst other Motives, that your Lordships will be pleased to reflect upon the Acts of your own Justice in a Case of like Nature; [p] which, being first begun here, near at hand, might have spread the Flame and Contagion over all *England*; had not the great Wisdom and Justice of both Houses, in due Time, prevented it.

'He said, He should add no more at this Time, but what he had read of a People in *Africa*, which sent a Challenge to the Wind; whereupon, at the Meeting, the Wind blew down Mountains upon them, and overwhelmed them: He hoped those bold and insolent Adventurers, who have presumed to send a Challenge, or Defiance to the great Houses, shall find a like Stroke of their wonted Power and Justice; and that they shall meet with such a Wind as will blow down their high Thoughts upon themselves, return their Votes into their own Bosoms, and their mischievous Designs upon their own Heads.

'All

[p] Mr. *Benyon*'s Petition before-mentioned.

'All which he was warranted, in the Name of the Houſe of Commons, and of all the Commons of *England*, to deſire of their Lordſhips; and that they will be pleaſed to make this Gentleman, the principal Author of this foul Act, a Spectacle and Pattern of exemplary Juſtice to preſent and future Times.' An. 18. Car. I. 1642. April.

Ordered, 'That Sir *Edward Dering*, Knt. and Bart ſhall appear before the Lords in Parliament on *Monday* next, being the ſecond Day of *May*, and put in his Anſwer unto an Impeachment of the Houſe of Commons brought up againſt him, or elſe the Houſe will proceed againſt him by Default.'

The Houſe of Commons having conſidered of the King's laſt Meſſage and the Votes about *Hull*, ſent to deſire another Conference on this Affair; in which they acquainted the Lords, That they fully agreed with them in theſe Votes, and deſired that they might be printed and diſperſed all over *England*: That two Ships of War ſhould be ſent to the River *Humber* to clear the Paſſage to *Hull*, under the Command of the Earl of *Warwick*: That a Committee of both Houſes might be ſent into the North to take Care of thoſe Parts and *Hull*; particularly, to thank Sir *John Hotham*, the Commanders and Soldiers under him, with ſuch Inhabitants of the ſaid Town, who they ſhall learn were forward in the Service, for their Faithfulneſs in preſerving that Place; and to aſſure them that particular Care ſhall be taken to reward them according to their Deſerts. Farther Votes and Orders relating to *Hull*.

There was read, alſo, an Information from two Perſons, who ſaid, That the King's Coming to *Hull* was on purpoſe to hang Sir *John Hotham*; and, upon his Refuſal to let his Majeſty into *Hull*, he had proclaimed him a Traitor: That Sir *Thomas Metham* was raiſing Forces for the King in *Yorkſhire*, moſt of them Papiſts; and that there was a great Reſort of them at *York*: That all Poſts and Perſons who brought Letters to and from the Parliament to *Hull* were ſtopped, and forbidden to carry any

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any on Pain of Death; and all Intercourſe prevented, both by Land and Water: In conſideration of which, the Commons think fit to deſire their Lordſhips Concurrence in ſending an Order to the Sheriffs, Lord-Lieutenants, Juſtices of the Peace, *&c.* in the adjacent Counties to ſuppreſs all Forces that ſhall be raiſed there, either to force the Town of *Hull*, or to ſtop the Paſſages to and from the ſame, to the Diſturbance of the Peace of the Kingdom. *Laſtly*, The Commons deſired the Lords Concurrence in a Declaration concerning theſe Matters, and that the ſame might be printed and publiſhed.

The Lords not only agreed with the Commons, in all theſe Particulars; but went further: For they ordered all the Perſons who had ſigned the laſt Petition to the King, with others, there named, to be ſent for as Delinquents, for being active againſt the Parliament.

The Declaration, abovementioned, was as follows:

A Declaration thereupon, printed and publiſhed.

'IT is declared by the Lords and Commons in Parliament, That the Stopping of the Paſſages 'between *Hull* and the Parliament, and the In'tercepting of Meſſengers employed from the 'Parliament to *Hull*, or from any that are in 'the Service of the Parliament, or any Letters 'whatſoever ſent by any to or from the Parlia'ment, is a high Breach of the Privilege of Par'liament; which, by the Laws of this Kingdom 'and the Proteſtation, we are bound to defend 'with our Lives and our Fortunes, and to bring 'the Violators thereof to condign Puniſhment; 'and hereby all Lord-Lieutenants and their De'puties, authoriſed by the Ordinance of both Houſes 'of Parliament, all Sheriffs, Juſtices, Mayors, Bai'liffs, Conſtables, and other Officers whatſoever, 'are required to give their utmoſt Aid and Aſſiſt'ance to all that are employed in the ſaid Service, 'for their better and more ſpeedy, free, and ſafe 'Paſſage: And to apprehend all ſuch as, by Co'lour of any Warrant or other Authority whatſo'ever

'ever, shall endeavour or go about to hinder any 'that are employed about the same, and them to 'apprehend, and in safe Custody to send up to the 'Parliament.' An. 18. Car. I. 1642. April.

April 28. This Day a Message was brought up by Mr. *Oliver Cromwell*, to desire a Conference. The Purport of which was, the Commons acquainted the Lords, That they had received Information of a great Meeting to be next Day on *Blackheath*, in order to back the rejected Petition of *Kent*; and that Reports were given out that they intended to shed Blood: They therefore recommended to their Lordships that proper Care might be taken to prevent any Mischief that might ensue. This was ordered accordingly by the Lords.

An Order was made that Sir *John Hotham* have Power to take up such Ships, at *Hull*, as are fit for bringing away the Magazine there, to be convoyed by the two Ships of War, already sent for that Purpose.

The Lords agreed with the Commons to give Instructions and Power to their Commissioners, who were to be sent into the North; as, also, to another Declaration of both Houses on the Business of *Hull*, with an Order of Assistance to be given to the Commissioners; which, with the late Votes, were again ordered to be printed and published. The Declaration, *&c.* were *in hæc Verba*. [p]

A Declaration relating to *Hull*, and Sir *John Hotham*.

'THE Lords and Commons in Parliament, 'finding just Cause to fear not only the des- 'perate Designs of Papists, and others of the ma- 'lignant Party, at home; but also the Malice of E- 'nemies, incited by them, from abroad; thought it 'necessary, for the Safety of this Kingdom, to se- 'cure the Town of *Kingston* upon *Hull*, being one 'of the most considerable Places for Strengh, and 'af-

[p] From the *Commons Journals*, which differs, in some few Expressions, from the Copy in *Husband*'s and *Rushworth*'s Collections.

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'affording the beſt Conveniency for landing of 'Forces; and where a great Part of the Maga- 'zine of the Kingdom for that Time was placed; 'and for that End appointed Sir *John Hotham*, one 'of the Members of the Houſe of Commons, be- 'ing a Gentleman of the ſame County of a con- 'ſiderable Fortune and approved Integrity, to take 'upon him the Government of the Town, and to 'draw thither ſome of the Train'd Bands for the 'Guard thereof: In which Apprehenſion and 'Reſolution they were the more confirmed by 'the Sight of ſome intercepted Letters of the 'Lord *Digby*, (a principal Perſon of that Party) 'written to the Queen and Sir *Lewis Dives*; where- 'by that Party diſcovered an Endeavour to perſuade 'his Majeſty to declare himſelf, and retire into ſome 'Place of Safety in this Kingdom, in Oppoſition to 'Ways of Accommodation with his People; and, 'to give the better Opportunity to himſelf and other 'dangerous Perſons to reſort thither; which could 'have no other End but to incline his Majeſty to take 'Arms againſt his Parliament and good Subjects, and 'miſerably to imbroil this Kingdom in Civil Wars. 'About which Time Captain *Legge* (a Man for- 'merly employed in the Practice of bringing up the 'Army againſt the Parliament) had Direction, by 'Warrant produced by him under the King's Hand 'and Sign Manual, to enter *Kingſton* upon *Hull*, 'and to draw thither ſuch of the Train'd Bands as 'he ſhould think fit: And that the Earl of *New- 'caſtle* came thither in a ſuſpicious Way, and under 'a feign'd Name, and did endeavour to poſſeſs 'himſelf of the ſaid Town, by Virtue of the like 'Warrant and Authority.

'They further conceiving, that the Magazine 'there being of ſo great Importance to this King- 'dom, would be more ſecure in the Tower of *Lon- 'don*, did humbly petition his Majeſty to give his 'Conſent the ſame might be removed; which, not- 'withſtanding his Majeſty did refuſe; and there- 'upon ſome few ill-affected Perſons about the City 'of *York*, took upon them the Preſumption, in Op- 'poſition

'position to the Desires, and in Contempt of both 'Houses, to petition his Majesty to continue that 'Magazine at *Hull*; alledging it to be for the Safe-'ty of his Majesty, as if there could be a greater 'Care in them of his Majesty's Royal Person than 'in his Parliament: And his Majesty, the next Day 'after the Delivery of that Petition, being the 'twenty-third of this Instant *April*, took Occasion 'thereupon to go to the Town of *Hull*, attended 'with about 400 Horse, (the Duke of *York* and the 'Prince Elector being sent thither the Day before) 'and required Sir *John Hotham* to deliver up the 'Town into his Hands; who perceiving his Ma-'jesty to be accompanied with such Force as might 'have master'd the Garrison of the Town; and 'having received Intelligence of an Intention to 'deprive him of his Life, in case the King should 'be admitted, inform'd his Majesty of the Trust re-'posed in him by both Houses of Parliament, and 'that he could not, without Breach of that Trust, 'let him in; beseeching his Majesty to give him 'Leave to send to the Parliament, to acquaint them 'with his Majesty's Commands, and to receive their 'Directions thereupon, which he would do with 'all Expedition. This Answer his Majesty was not 'pleased to accept of; but presently caused him and 'his Officers to be proclaimed Traitors before the 'Walls of the Town; and thereupon dispatched a 'Message to both Houses, therein charging Sir *John* 'Hotham with High Treason, and aggravating his 'Offence, because he pretended the Parliament's 'Command; in the mean while hindering him of all 'Means of Intelligence with the Parliament, for 'his Majesty immediately caused all Passages to be 'stopped between him and them; and, in pursuance 'of the same, one of his Servants, who was sent by 'him with Letters to the Parliament, to inform 'them of the Truth of those Proceedings, was ap-'prehended, his Letters taken from him, and his 'Person detained; whereby, contrary to the com-'mon Liberty of every Subject, he was not only de-

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'privived of Means to clear himself of that heavy 'Accusation, but of all Ways of Intercourse, e-'ther to receive Directions from them that trusted 'him, or to inform them what had happened.

'The Lords and Commons finding the said Pro-'ceedings to be a high Violation of the Privileges of 'Parliament, of which his Majesty had, in several 'Messages, express'd himself to be so tender; a 'great Infringement of the Liberty of the Subject 'and the Law of the Land, which his Majesty had 'so often lately profested should be the Rule to go-'vern by; and tending to the endangering of his 'Majesty's Person and the Kingdom's Peace; 'thought fit, as well for the Vindication of their 'own Rights and Privileges, and the Indemnity of 'that worthy Person employed by them, as for the 'clearing of their own Proceedings, to publish 'these ensuing Votes.

[*Here the Votes, mentioned at p.* 453, *are repeated.*]

Next follow the Instructions given to these Commissioners, which were not published with the former, for Reasons obvious enough; nor are they in *Husbands*'s or *Rushworth*'s *Collections*; and we give them from the *Journals* themselves, *viz.*

Instructions to a Committee appointed to go to *Hull*.

'IT is this Day ordered by the Lords and Commons in Parliament, That the Earl of *Stamford*, the Lord *Willoughby* of *Parham*, Sir *Edward* 'Ayscough, Sir *Christopher Wray*, Sir *Samuel Owfield*, and Mr. *Hatcher*, shall forthwith repair into 'Lincolnshire, and from thence to *Kingston* upon 'Hull, and, if there be Occasion, to any other Parts 'of *Yorkshire*, and pursue the Directions following:

I. 'That if any Forces are, or shall be, raised or 'gathered together in the Counties of *York* or *Lin-'coln*, either to force the Town of *Hull*, or to stop 'any of the Passages to or from the same, or any 'other Way to disturb the Peace of the Kingdom; 'then they, or any three of them, in the Name and 'by the Authority of both Houses of Parliament,

'shall

'shall require the Lord-Lieutenant, or, in his Ab- An. 18. Car. I. 1642.
'sence, the Deputy-Lieutenants of either of the said April.
'Counties, respectively, to suppress and remove all
'such Forces, and to free and keep open all the Pas-
'ses to *Hull*; and, in Performance hereof, shall
'also require the Sheriffs, Justices of the Peace, and
'all other his Majesty's Officers and Subjects, in
'the Name of both Houses of Parliament, to as-
'sist therein as oft as they shall see Cause.

II. 'That they shall thank Sir *John Hotham*, the
'Commanders, and particular Soldiers under him,
'and such of the Inhabitants of the Town as have
'observed the Command of the Parliament, and
'kept it in pursuance of the same; and shall give
'them all Encouragement to continue their Care
'and Fidelity in this Service, conducing so much
'to the Safety and Peace of the Kingdom.

III. 'They shall, from Time to Time, certify
'the Houses of all Occurrences; and shall all, or
'any of them, return, as they shall see Occasion.'

April 29. A Message was brought from the House of Commons, to let the Lords know, That they looked upon the late Attempt upon *Hull* to proceed from the Effect of some former Counsels of the Lord *Digby*'s Letters to the Queen: That he being impeached by them of High Treason, and a Proclamation sent out to summon him to appear on a certain Day, under Pain of Conviction; and it being now six Weeks since, and the said Lord *Digby* not coming in, the House of Commons desire the Lords would please to assign a Day for them to come up, and demand Justice against him.

The Commons desire the hastening of Lord *Digby*'s Trial.

Answer. That they will appoint a Day, shortly, and give the House of Commons Notice of it.

Another Message came up to the Lords, by Mr. *Hampden*, and others, who presented to their Consideration a Letter, directed to the Speaker; and, though there was no Name subscribed, yet many of the Members knew it to be of Sir *John Hotham*'s Hand-writing, and contained a true Narrative of the whole Business concerning *Hull*.

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Which Letter the Lords commanded to be read as follows: [q]

Sir *John Hotham*'s Letter concerning the King's coming to *Hull*.

SIR,

I Make no Queſtion but you have heard, in general, of the Buſineſs we have had at Hull; *you had received the Particulars before this, but that all Ways have been ſtopped, for the intercepting my Letters. Two Poſts I have ſent Expreſſes, both which were intercepted; and one of them, as I am informed, carried Priſoner to* York.

The Parliament, as you well know, hath intruſted me with the ſafe Keeping of this Place: Their Orders I have performed to the beſt of my Underſtanding, and utmoſt Endeavours, tho' with ſome Hazard of being miſconceived by his Majeſty. If I have, in any Thing, miſbehaved myſelf, or not performed my Truſt, I ſhall moſt willingly ſubmit to their Cenſures: Only, this I muſt make my moſt humble Requeſt, if ſo it may ſeem good to the Wiſdom of the Parliament, That I may have from them a quick Reſolution, in ſuch Manner as they ſhall find to be juſt.

I perceive, by ſome Letters ſent by his Majeſty to this Town, that he hath advertiſed the Parliament of this Action of mine, and hath demanded a Puniſhment againſt me: I ſhall intreat the Parliament to take into Conſideration under how deep an Accuſation I lie; and how unable I ſhall be to do them Service here, if this receive not a ſpeedy Reſolution.

The Manner I ſhall faithfully (God willing) relate. It was thus:

Upon Friday *the twenty-third of this Inſt.* April, *an Alderman of* Hull *came to me, and told me, He was newly come from* York, *and that he was to give me Notice that the Duke of* York, *the Prince Elector, and my Lord* Newport, *would that Night come to* Hull, *and ſtay only one Night, and go back next Day to* York. *I could have well wiſhed they had taken ſome other Time, but being very deſirous to give all*

q From the *Lords Journals*: It is mentioned, tho' not entered, in thoſe of the *Commons*. But no Notice is taken of this Letter in *Clarendon*, *Ruſhworth*, or *Whitlocke*.

all the Content I could, (my Trust always preserved) I gave Way to their Reception; and had provided, for next Day, a Dinner, to have given them the best Welcome I could: But, late that Night, I had some Cause of Suspicion that they meant not to depart the next Day; whereupon I went to my Lord Newport, who assured me confidently it was not so, which a while satisfied me; till about Nine of the Clock, the Duke, Prince, and the rest, being walking in the Fort call'd South-End, Sir Lewis Dives comes in thither, and delivered me a Letter from his Majesty; purporting, That he intended to visit his Town of Hull and his Magazine there, and that I should provide for the Reception of him and his Train; that he doubted not of my Obedience, else he must make his Way into his Town according to the Laws of the Land. An. 18. Car. I. 1642. April.

This I confess put me to a great Strait: On the one Side being most extremely sorry to give his Majesty the least Cause of Offence; on the other Side the Breach of a Trust being, in my Sense, so horrid a Fact, as after that I should not have wished to live; I then began to put together Circumstances, thus: Why such a Journey, at such a Time as this, should have been undertaken by so great Personages; why should they deny their Stay, when I had some Cause to suspect it was resolved when they came; the Numbers coming with them already received into the Town; and, lastly, the extreme urging of the Messenger, Sir Lewis Dives.

I had received of those that came along with them, whether of their Servants or no I know not, forty-five Persons. I well knew of a Party practising, by Papists in Holderness, with some of the Town.—— His Majesty had, in his Train, to the best of all our Judgments, 300 Horse. I was advertised, (but the Certainty I knew not) that 400 Horse lay further off. All these put me to a sudden Resolution to draw up the Bridges, upon certain News of his Majesty's approaching; having, first, sent out a Gentleman to his Majesty, humbly to intreat his Majesty to forbear his coming to the Town at that Time, in regard I might not, without a Breach of that Trust committed to me, admit him and his Train.

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This Message met him three Miles off; notwithstanding his Majesty came on to the Town Gates, and sent for me thither: As I went, I met the Mayor and some Townsmen assembled to go to his Majesty to the Gates, whom I commanded to keep their Houses; which accordingly they did, and myself went to the Town Wall next the Port: Being there, his Majesty demanded Entrance; I, in the most humble Manner I was able to express myself, begged of his Majesty to take my Case into his most Princely Consideration: That I had that Place delivered me under that sacred Name of Trust: *That I could not satisfy him, at that Time, without incurring to me and my Posterity the odious Name of a Villain and Faith-Breaker: That he would, for that Time, withdraw; and, if my being in this Town gave him the least Cause of Offence, if he would give me Leave to advertise the Parliament, I should get myself discharged never to come here: But nothing I could say could give any Satisfaction to his Majesty, who, as well as to myself, endeavoured to persuade all my Captains and Soldiers; but they were all of one Mind with me, faithfully to perform our Trust. Some of his Majesty's Train, with great Earnestness, cried out to kill me and throw me over the Wall; and they were not a few which did it.*

This, and some other Advertisements I had given of some Attempts to be made upon my Person (which, though in itself not at all considerable, yet at this Time since that my Perishing, by any sudden Attempt, would have apparently hazarded the Loss of this Place) made me enter upon a resolute Determination to intreat his Majesty at that Time to withdraw; and not to admit of his Entrance (till I had advertised the Parliament thereof) with any considerable Company; and also being I saw that, with his Presence, the Townsmen began to stagger; the Mayor, contrary to my Command, being come to the Wall, and receiving from his Majesty many gracious Words. The Conclusion was, His Majesty, after Persuasions would not prevail, caused me, and all that adhered to me, to be proclaimed Traitors.

Then he retired to a little House, without the Walls; and

and, after one Hour's Stay, returned and demanded again my Reſolution. I made the ſame Anſwer as before; and I think then (but I do not well remember it) he demanded Entrance for himſelf and twenty Horſe; but in my Judgement (as I well ſaw how the State of Affairs ſtood) being fully ſatisfied, that if his Perſon were in but with half that Number, I was in no ways Maſter of the Town, I intreated his Pardon in that. An. 18. Car. I. 1642. April.

Soon after he went away and lodged at Beverley; *from whence he ſent, next Day, two Heralds to demand Entrance to ſee his Magazine; but I yet intreated his Pardon; Breach of Truſt ſtill ſounding horrid in my Ears. Upon* Tueſday *after, came one* Savage, *a Knight*[r], *and* Mr. Carey, *I know neither of their Chriſtian Names. They ſaid, They were ſent by the King to deliver a Letter to the Mayor, and demanded Entrance. I told them I would be reſponſible it ſhould be delivered; which I did: It contained a great Length, the chief, as I remember, confirming us all Traitors; Aggravations of my Offence; and that he had advertiſed his Parliament of it to have me puniſhed according to my Demerits; with Command to the Townſmen and Soldiers not to obey me, nor to ſuffer the Magazine to be removed.*

The Sheriff, as I hear, hath refuſed to levy the Poſſe Comitatus; *being, it ſeems, he conceives againſt Law. All the Gentry and Juſtices are, as I hear, ſent for to* York. *His Majeſty, at his being at the Walls, told me, If I would not let him in, he would raiſe the Trained Bands.*

Sir, As I was writing this, I received a Letter by Mr. Aſkew, *for which I muſt return my moſt humble Thanks; and (God willing) the Parliament may reſt moſt aſſured, That there ſhall not want my utmoſt Endeavours faithfully to ſerve them in my Life and Fortune. I ſhall deſire you will repreſent to them the abſolute Neceſſity of preſent Monies in ſome good Proportion; the Neceſſity of Affairs having conſtrained me to call ſuch other of the County in, as I was hopeful of would be aſſured to me, though not many yet:*

So

[r] The Earl of *Newcaſtle* in Diſguiſe, as mentioned in the foregoing Declaration. *Rushworth*, Vol. IV. p. 563.

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So as if they please to take some Course for the Seaward, I hope to give a good Account of this Place.

I am sorry to write who were the Men; for there were many of those who were at the Parliament Door when the King came to the House.

Next, the Lords read a Petition from the Attorney-General, and ordered his Releasement from the Prison of the *Fleet*.

Proceedings of the Commons on the *Kentish* Petition.

April 30. This Day the Commons proceeded further in the Affair of the *Kentish* Petition. Sir *Edward Dering*'s Book of Speeches (on Occasion of publishing which he had been expelled the House) being Read, reprinted, they referred the Consideration of that Matter to a Committee; ordered the Impression to be seized; and also to inquire who printed the said Petition, of which several Bundles of Copies had been found upon some of the Petitioners. But

Notwithstanding these vigorous Resolutions of the House of Commons, the Men of *Kent* had the Courage to come up to *London* with their Petition: For we find in the *Journals* the following Entry, 'The House being informed, that divers Gentlemen of the County of *Kent* were at the Door, that desired to present a Petition to the House, they were called in, presented their Petition, and then withdrew: And their Petition was read, and appeared to be the same that was formerly burnt, by Order of both Houses, by the Hands of the common Hangman.'

Hereupon some of the Petitioners were called in, and examined. Capt. *Lovelace*, who said he preferred the Petition by Command of the Gentlemen assembled at *Blackheath*, was committed to the *Gate-House*; Sir *William Boteler*, who was also concern'd therein, having been at *York* since the Assizes at *Maidstone*, was committed to the *Fleet*: But

The other Gentlemen that presented the said Petition being called in, Mr. Speaker, by Command of the House, told them, 'The House has consi-'dered of the Petition that you presented. And they 'know you cannot be ignorant what Opinion both 'Houses

'Houſes have formerly expreſſed of the ſame Peti- An. 18. Car. I.
'tion: Yet conſidering that you are young Gentle- 1642.
'men, miſled by the Solicitation of ſome not affect- April.
'ed to the Peace of the Kingdom; and that, how-
'ſoever they intend to proceed againſt the chief
'Agents and prime Actors in this Buſineſs, they are
'willing that you ſhould be diſmiſſed; hoping that
'you may hereafter prove good Members of the
'Commonwealth.' †

Two Meſſages from the King were, this Day alſo, delivered to the Lords by the Lord-Keeper: The one about the Affair of *Hull*, and the other concerning the Militia Bill; which were *in hæc Verba*:

WE are ſo much concern'd in the undutiful Affront (an Indignity all our good Subjects muſt diſdain in our Behalf) we received from Sir John Hotham *at* Hull, *that we are impatient till we receive Juſtice from you, and are compell'd to call again for an Anſwer; being confident (however you would be ſo careful, though without our Conſent, to put a Garriſon into that our Town, to ſecure it and our Magazine againſt any Attempt of the Papiſts) that you never intended to diſpoſe and maintain it againſt us your Sovereign: Therefore we require you forthwith, for the Buſineſs will admit no Delay, that you take ſome ſpeedy Courſe that our ſaid Town and Magazine be immediately delivered up unto us; and that ſuch ſevere exemplary Proceedings be againſt thoſe Perſons, who have offered us this inſupportable Affront and Injury, as by the Law is provided; and till this be done, we ſhall intend no Buſineſs whatſoever other than the Buſineſs of* Ireland: *For if we are brought into a Condition ſo*

The King's ſecond Meſſage, demanding Satisfaction againſt Sir *John Hotham*.

† Lord *Clarendon* informs us, That this Petition was brought up by ſome Gentlemen of *Kent*, with a great Number of the ſubſtantial Inhabitants of that County; that, upon the Alarm, the City was put in Arms, and ſtrong Guards placed at *London* Bridge, where the Petitioners were diſarm'd, and only ſome few ſuffered to paſs with their Petition to *Weſtminſter*, the reſt forced to return to their Country. He then proceeds to ſeveral other Circumſtances relating to this very remarkable Affair; which we have already mention'd, more at large, from the *Journals*.

Hiſt. Vol. II. p. 486.

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so much worse than any of our Subjects, that, whilst you all enjoy your Privileges, and may not have your Possessions disturbed, or your Titles questioned, we only may be spoiled, thrown out of our Towns, and our Goods taken from us; 'tis Time to examine how we have lost those Privileges; and to try all possible Ways, by the Help of God, the Law of the Land, and the Affection of our good Subjects, to recover them, and vindicate ourself from those Injuries. And if we shall miscarry herein, we shall be the first Prince of this Kingdom that hath done so; having no other End, but to defend the true Protestant Profession, the Law of the Land, and the Liberty of the Subject; and God so deal with us as we continue in these Resolutions.

Given at our Court at *York*, *April* the twenty-eighth, 1642.

The second Message, of the same Date, ran thus:

His Reasons for refusing to pass the Militia Bill.

WE have, with great Deliberation and Patience, weighed and considered (it concerning us much to weigh the Consequences of every Law before we pass it) your Bill lately sent to us for the Settling of the Militia: And though it hath not been usual to give any Reason for our Refusal to pass any Bill; (it being absolutely in our Power to pass or not pass any Act sent unto us by you, if we conceive it prejudicial to ourself, or inconvenient for our Subjects, for whom we are trusted, and must one Day give an Account) yet in this Business of the Militia, which being misunderstood amongst our good Subjects, hath been used as an Argument, as if we were not vigilant enough for the Public Safety: And least we should be thought less constant in our Resolutions, and this Bill to be the same we sent unto you, we have thought fit to give you, and all the World, particular Satisfaction why we cannot, ought not, must not, pass this Bill; being the first public Bill, to our Remembrance, we have refused this Parliament: And therefore we must complain, That having expressed ourself so clearly and particularly

ticularly to you in this Point, you should press any Thing upon us, which you could not but foresee that we must refuse; except we departed from those Resolutions, grounded upon so much Reason, we had so earnestly before acquainted you with, and against which you have not given one Argument to satisfy our Judgment. An. 18. Car. I. 1642. April.

We are pleased that you have declined the unwarrantable Course of your Ordinance, (to the which we are confident our good Subjects would never have yielded Consent) and chosen this only right Way of imposing on our People, which we would have allowed but for the Reason hereafter mentioned.

We refused to consent to your Ordinance; as for other Things, so far that the Power was put into the Persons nominated therein by Direction of both Houses of Parliament, excluding us from any Power in the Disposition or Execution of it together with you. We then advised you, for many Reasons, that a Bill should be prepared; and after, in our Answer of the twenty-sixth of March *last to the Petition of both Houses, we told you, If such a Bill should be prepared with that due Regard to us, and Care of our People in the Limitation of the Power and other Circumstances, we should recede from nothing we formerly expressed. What passed (enough to have discouraged us from being further solicitous in that Argument) after our full and gracious Answers, we are content to forget.*

When we resolved on our Journey into Ireland *(so that by reason of our Absence there might be no want of settling that Power, besides complying with your Fears) we sent, together with a Message of that our Purpose, a Bill for the settling that Power for a Year; hoping in that Time to return to you; and being sure that, in much less Time, you might do the Business for which you seemed at first to desire this; which was, That you might securely consider our Message of the twentieth of* January *last. By that Bill we consented to those Names you proposed in your Ordinance; and, in the Limitation of the Power, we provided that ourself should not be able to execute any Thing but by your Advice; and when we should be out of the Kingdom, the sole Execution to be in you; with many other Things of so arbitrary*

An. 18. Car. I. 1642. April.

arbitrary and uncircumscribed a Power, that we should not have consented to, but with Reference to the Absence of our own Person out of the Kingdom; and thought it the more sufferable, in respect the Time was but for a Year; whether this be the Bill you have now sent us to pass, let all the World judge.

You have, by this Bill now tendered to us, without taking Notice of us, put the Power of the whole Kingdom, the Life and Liberties of the Subjects of all Degrees and Qualities, into the Hands of particular Men for two Years. Can you imagine we will trust such an absolute Power in the Hands of particular Persons, which we refused to commit to both Houses of Parliament? Nay, is not the Power itself too absolute, too unlimited, to be committed into any private Hands? Hath not Sir John Hotham's *high Insolency foreced us what we may expect from an exorbitant legal Power, when he, by a Power not warranted by Law, dares venture upon a treasonable Disobedience?*

But we would willingly know (and indeed such an Account in ordinary Civility we might have expected) why we are, by this Act, absolutely excluded from any Power or Authority in the Execution of the Militia? Sure your Fears and Jealousies are not of such a Nature, as are capable of no other Remedy, than by leaving us no Power in a Point of the greatest Importance in which God and the Law hath trusted us solely; and which we were contented to share with you by our Bill, by putting it, and a greater, into the Hands of particular Subjects. What would all Christian Princes think of us, after we had passed such a Bill? How would they value our Sovereignty? And yet sure our Reputation with foreign Princes is some Ground of your Security: Nay, we are confident, by that Time you have thoroughly considered the possible Consequence of the Bill upon yourselves, and the rest of our good Subjects, you and they will give us Thanks for not consenting to it; finding their Condition, had it passed, not to have been so pleasing unto them. We hope this Animadversion will be no Breach of your Privileges in this Throng of Business, and Distemper of Affections:

tions: 'Tis possible second Thoughts may present some- An. 18. Car. I.
what to your Considerations which escaped you before. 1642.
April.

We passed, this Parliament, at your Entreaty, a Bill concerning the Captives of Algiers; *and waved many Objections of our own to the contrary, upon Information that the Business hath been many Months considered by you. Whether it prove suitable to your Intentions, or whether you have not, by some private Orders, suspended that Act of Parliament, upon View of the Mistakings, you best know; as likewise what other great Alterations you have made in other Bills passed this Session. We cannot pass over the putting their Names out of this Bill whom, before, you recommended to us in your Ordinance; it seems not thinking fit to trust those who would obey no Guide but the Law of the Land; (we imagine you would not wish we should, in our Estimation of others, follow that your Rule) and the leaving out, by special Provision, the present Lord Mayor of* London, *as a Person in your Disfavour; whereas we must tell you, his Demeanor has been such, that the City and the whole Kingdom is beholden to him for his Example.* †

To conclude. We do not find ourself possessed of such an Excess of Power, that it is fit to transfer, or consent it should be in other Persons, as is directed by this Bill: And therefore we shall rely upon that Royal Right and Jurisdiction, which God and the Law hath given us, for the suppressing of Rebellion, and resisting foreign Invasion, which hath preserved this Kingdom in the Time of all our Ancestors, and which we doubt not but we shall be able to execute: And not more for our own Honour and Right, than for the Liberty and Safety of our People, we cannot consent to pass this Bill.

The two foregoing Messages being read, the Lords took them both into serious Consideration, and

† Sir *Richard Gourney*, who had remarkably distinguished himself against the Tumults raised about the Time of passing the Earl of *Strafford*'s Bill. He was afterwards removed from his Office of Lord Mayor, *&c.* by the Parliament, as will appear in the Sequel.

An. 18. Car. I. 1642. April. and resolved to have a Conference with the Commons about them. Accordingly they dispatched a Message down to that House, to desire a Conference on two Messages from the King, of the highest Consequence they had ever yet received. The Lord-Keeper was appointed to open the Conference, and the Earl of *Essex* to tell the Commons, That this House conceived these Messages proceeded from the destructive Counsels and Advice of evil and wicked Men about the King; therefore to desire them that the Parliament might speedily consider of naming those ill Counsellors; and that some Course may be taken to have them, wheresoever they are within the King's Dominions, that so they may be brought to condign Punishment.

A Conference thereupon.

This Conference being held, and the Commons returned to their own House, they soon after sent up a Message to the Lords, importing, That they did agree in the Matter of the last Conference, about the King's two Messages; and had appointed a Committee of their Members to join with another of the Lords, to consider what was fitting to be done in this Business; with a larger Power to take into Consideration, also, any Thing else which concerns the Safety of the Kingdom; and that they might meet immediately.

Also the House of Commons desired their Lordships would put the Ordinance of both Houses of Parliament, for settling the Militia, into present Execution. The Lords agreed to both these Articles, and ordered accordingly: Notwithstanding which the Execution thereof went on but slowly; some of the Lords appointed Lieutenants therein, not being very fond of their new Offices. For we find, by the *Lords Journals*, that the Marquis of *Hertford*, who had been nominated Lieutenant of the County of *Somerset*, sent a Message to the Lords, That he should be very glad to obey the House, and to serve the Commonwealth in what he may; but desired, at this Time, to be excused accepting of the Lieutenancy, for this Reason, That he was not

Several Lord-Lieutenants refuse to execute their Commissions.

not at the Debate of the Militia, and therefore is utterly ignorant of what paſſed in it; and that unleſs the King gives his Conſent to it, he hopes their Lordſhips will not impoſe it upon him: Hereupon the Earl of *Bedford* was appointed in his Place.—The Lord *Strange* deſiring to be excuſed from accepting the Lieutenancy of *Cheſhire*, and the Earl of *Cumberland* that of *Weſtmoreland*, the Lord Viſcount *Say* and *Sele* was nominated to the one, and Lord *Haſtings* to the other.—The Earl of *Lincoln* declared himſelf ready to obey the Commands of Parliament; but, in regard that no Counties were divided but that of *Lincoln*, he deſired to be excuſed: Hereupon the Lord *Willoughby* of *Parham* was appointed Lieutenant of that whole County.—The Lord *Paget*, alſo, who had accepted the Lieutenancy of *Buckinghamſhire*, (and even appointed his Deputies, as Mr. *Whitlocke* informs us) threw up his Commiſſion. This Lord had, moſt zealouſly, concurred with the Parliament in all their late Meaſures: And the Reaſons for his ſudden Change of Conduct will appear, from his own Letter, in the Sequel.

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Another Conference was this Day held between the two Houſes, in which the Commons preſented a ſecond Declaration which had paſſed their Houſe, to which they deſired the Lords Concurrence. It was to this Effect:

The Parliament's Second Declaration concerning *Hull*.

'THE Lords and Commons in this preſent Parliament, being informed that, upon the twenty-third of this Inſtant *April*, his Majeſty repaired to the Town of *Hull*, and demanded it to be delivered up to him; and being denied by Sir *John Hotham*, appointed by both Houſes of Parliament to keep that Town, for the Safety and Peace of the Kingdom, his Majeſty ſaid, *That if Sir* John Hotham *would not let him into the Town, he would raiſe the Trained Bands and force him to it.* And being further informed, That, ſhortly after, the Sheriff of *Yorkſhire* did receive a Meſſage, intimating

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'mating a Command from his Majesty to raise the 'Trained Bands and Power of the County; and 'that the Justices of the Peace, and Gentlemen of 'it, have been summoned to attend his Majesty at '*York*, as they have Cause to believe, for the same 'Purpose; to the great Terror of his Majesty's Subjects in those Parts, and the Disturbance of the 'Public Peace: The Lords and Commons do declare, That the said Command to the Sheriff, and 'the Summoning the Justices of Peace, *&c.* to the 'Purpose aforesaid, is against the Laws of the Land, 'and the Liberty of the Subject; and very derogatory from the Honour and Power of the Parliament, now sitting, being his Majesty's Great 'Council, and most ready and willing to advise and 'assist him in all Things that may tend to the Honour and Safety of his Person, the Weal and 'Happiness of the Church and State.

'And they further declare, That if any Persons 'whatsoever, in the said County of *York*, or elsewhere, shall advise or assist in the raising of any 'Forces to the Purpose above, they shall be deemed as Disturbers of the Common Peace, and Enemies to the King and State; and shall receive 'such severe Punishments as, by the Laws of this 'Land, are to be inflicted on Offenders of such 'high Nature.

May 2. A Conference was held this Day, between the two Houses, at the Desire of the Commons, the Report of which was made by the Lord-Keeper, to this Effect, 'That they presented a Narrative, drawn by *John Rushworth*, one of the Clerks of the House of Commons, of some Matters which came to his Knowledge, when he was at *Hull*, where he was sent by the House.' [u] Next, they presented to their Lordships Consideration a Petition delivered to his Majesty, by some of the Knights,

[u] It does not appear by the *Journals* what this Narrative was, the Entry thereon being only thus, 'Mr. *Rushworth* gives an Account to the House of his Journey to *York* and *Hull* * * * *

Knights, Gentry, and Freeholders of the County *of York.* An. 18. Car. I. 1642. May.

This Petition was framed on a different Syſtem from the laſt; repreſenting that as the Work of a few Gentlemen only, who took upon them to anticipate the Demonſtrations of Duty, which they were informed both Houſes were preparing to lay before the King, for his Reſolutions thereupon, directly oppoſite to the Petition from Parliament about removing the Magazine from *Hull*, and tending to foment Diviſions between the King and his great Council. They deſired his Majeſty to apply himſelf to all good Ways of Union; that thoſe Duties, which, by the Laws of God and Man, they owed, and which were expreſſed in their laſt Proteſtation, might not become a divided Propoſition; ſince the Defence of his Majeſty's Perſon, Honour, and Eſtate, the Power and Privileges of Parliament, and the lawful Rights and Liberties of the Subject, taken jointly, did all ſerve to ſtrengthen each other, which they would equally labour to preſerve to the utmoſt of their Powers, Lives, and Eſtates.

A Counter-Petition to the King from others of the *Yorkſhire* Gentry, &c.

After this were read ſome Propoſitions made by the King to thoſe *Yorkſhire* Gentlemen, and their Anſwer to them. The Subſtance of the firſt was, To know whether they would defend his Majeſty's Royal Perſon from Violence, according to their Duty, or not? And to have their Advice concerning his not being admitted into his Town of *Hull*; how his Majeſty may be vindicated in his Honour for the Affront; and how he may be put in Poſſeſſion of his own. To which they anſwered,

May it pleaſe your moſt Sacred Majeſty,

'WE ſhall be ready to defend your Majeſty's Perſon from Violence, by all ſuch Ways 'as the Laws and our Duty bind us: And for the 'Means to vindicate your Majeſty's Honour, and 'put you into Poſſeſſion of your own, we conceive 'the beſt Advice we can offer is, humbly to deſire 'your Majeſty to hearken to the Counſel of the 'Par-

Who adviſe him to hearken to his Parliament.

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'Parliament; who, we assure ourselves, will be 'careful of your Majesty's Person and Honour, 'and to whom you have been pleased to direct a 'Message.'

On Consideration of these, the Commons said, 'That they desired the Lords to join with them in returning Thanks to the *Yorkshire* Gentry, for their Conduct in this Affair, and especially to the then High-Sheriff, Sir *Richard Hutton*, [x] Sir *Henry Cholmley*, and Mr. *Pelham*, two Members of their House. Likewise the Commons said it was fit and necessary to send down some of their Members, as a Committee, into *Yorkshire*, with Instructions from both Houses; and they leave it to their Lordships Judgment, whether they would send any Members of their House to join with them. *Lastly*, They desired that the Committee of both Houses, last appointed, might meet and expedite the Answer to the King's two last Messages concerning *Hull*, &c.'

A Committee of both Houses appointed to go into *Yorkshire*.

All this was agreed to by the Lords; and the Lord *Howard* of *Escrick* was appointed to go with a Committee of the Commons to *York*.

The same Day the Relation of a great Victory, obtained by the *English* against the Rebels in *Leinster*, was read in the House of Commons, and ordered to be forthwith printed. Mr. *Pymme* was also desired to prepare a Letter, to be sent to the Earl of *Ormond*, in Acknowledgment of his great Service done therein. The Commons afterwards ordered 500*l.* to be laid out in a Jewel as a Present to his Lordship; and Mr. *Goodwin* was sent to the Lords, to desire them to join in a Petition to the King to make the said Earl a Knight of the Garter.

The Earl of *Ormond*'s Success in *Ireland*.

A Proclamation was issued out by the Lords, in the King's Name, to summon *George* Lord *Digby* to

[x] This was Sir *Richard Hutton* of *Goldsborough*, called Judge *Hutton*: The Knight of the same Name, who sign'd the former Petition, was *Hutton* of *Marske*, or *Peppleton*, Son to Abp. *Hutton*.

to appear and answer to his Impeachment, on the 18th Inst. *sub Pœna Convictionis.* An. 18. Car. I. 1642. May.

May 3. Nothing of Moment done in the House of Lords, but passing the Tonnage and Poundage Bill by Commission.

May 4. The Commons sent up a Bill, intitled, *An Act for the Forfeiture of the Lands and Estates, and for the Punishment of* John *Archbishop of* York, *with the rest of the Bishops, formerly impeached by them of High Treason*; which was read a first Time by the Lords. And

Mr. *Pymme* brought up an Answer to the King's two last Messages about *Hull*, as also Instructions to be given to the Parliament's Commissioners for *Yorkshire*, to all which they desired their Lordships Concurrence. These were both read, but were not agreed to this Day.

May 5. On the humble Petition of the twelve Bishops, imprisoned now in the Tower above eighteen Weeks, they were released by the Lords, this Day, upon Bail. The Archbishop of *York* and his Sureties were bound in 5000 l. and he ordered not to go to his Diocese during the Disturbances in that County. The Impeached Bishops bailed.

The Lords having considered the Commons Declaration concerning the Militia, made some small Amendments to it; which being agreed to, it was this Day read in the House of Lords *in hæc Verba:*

'THE Lords and Commons holding it neces- The Parliament's Answer to the King's Refusal to pass the Militia Bill;
'sary, for the Peace and Safety of this King-
'dom, to settle the Militia thereof, did, for that
'Purpose, prepare an Ordinance of Parliament; and,
'with all Humility, did present the same to his
'Majesty for his Royal Assent; who, notwith-
'standing the faithful Advice of his Parliament, and

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'the several Reasons offered by them of the Neces-
'sity thereof, for the securing of his Majesty's Per-
'son, and the Peace and Safety of his People, did
'refuse to give his Consent; and thereupon they
'were necessitated, in Discharge of the Trust re-
'posed in them as the Representative Body of the
'Kingdom, to make an Ordinance, by Authority
'of both Houses, to settle the Militia, warranted
'thereunto by the Fundamental Laws of the Land:
'His Majesty taking Notice thereof, did, by seve-
'ral Messages, invite them to settle the same by Act
'of Parliament; affirming in his Message, sent
'in Answer to the Petition of both Houses, pre-
'sented to his Majesty at *York* the 26th of *March*,
'*That he always thought necessary the same should*
'*be settled, and that he never denied the Thing, only*
'*denied the Way; and for the Matter of it, took Ex-*
'*ceptions only to the Preface, as a Thing not standing*
'*with his Honour to consent to; and that himself was*
'*excluded the Execution, and for a Time unlimited:*
'Whereupon the Lords and Commons (being de-
'sirous to give his Majesty all Satisfaction that
'might be, even to the least Tittle of Form and
'Circumstance) when his Majesty was pleased
'to offer them a Bill ready drawn, did, for no o-
'ther Cause than to manifest their hearty Affection
'to comply with his Majesty's Desires and obtain
'his Consent, entertain the same; and in the mean
'Time no way declining their Ordinance, and to
'express their earnest Zeal to correspond with his
'Majesty's Desire (in all Things that might consist
'with the Peace and Safety of the Kingdom, and
'the Trust reposed in them) did pass that Bill;
'and therein omitted the Preamble inserted before
'the Ordinance, limited the Time to less than two
'Years, and confined the Authority of the Lieute-
'nants to these three Particulars, namely, Rebel-
'lion, Insurrection, and foreign Invasion; and re-
'turn'd the same to his Majesty for his Royal Assent.

'But all these Expressions of Affection and
'Loyalty, all these Desires and earnest Endeavours

'to

'to comply with his Majesty, have, to their great 'Grief and Sorrow, produced no better Effect than 'an absolute Denial even of that which his Majesty, by his former Messages as we conceive, had promised; the Advice of evil and wicked Counsels receiving still more Credit with him than that 'of his great Council of Parliament, in a Matter 'of so high Importance, that the Safety of his 'Kingdom, and the Peace of his People, depends 'upon it. An. 18 Car. I. 1642. May.

'But now, what must be the Exceptions to this 'Bill? Not any sure that was to the Ordinance; 'for a Care was taken to give Satisfaction in all 'those Particulars. Then the Exception was, Because that the Disposing and Execution thereof 'was referred to both Houses of Parliament, and 'his Majesty excluded: And now, That, by the 'Bill, the Power and Execution is ascertained and 'reduced to Particulars, and the Law of the Realm 'made the Rule thereof, his Majesty will not trust 'the Persons: The Power is too great, too unlimited to trust them with. But what is that 'Power? Is it any other, but in express Terms to 'suppress Rebellion, Insurrection, and foreign Invasion? And who are those Persons? Are they 'not such as were nominated by the great Council 'of the Kingdom, and assented to by his Majesty? 'And is it too great a Power to trust those Persons 'with the Suppression of Rebellion, Insurrection, 'and foreign Invasion? Surely the most wicked of 'them that advised his Majesty to this Answer cannot suggest but that it is necessary, for the Safety 'of his Majesty's Royal Person and the Peace of 'the Kingdom, such a Power should be put in some 'Hands; and there is no Pretence or Exception 'to the Persons.

'His Majesty, for the Space of above fifteen 'Years together, thought not a Power far exceeding this to be too great to intrust particular Persons with, to whose Will the Lives and Liberty 'of his People, by Martial Law, were made subject;

An. 18. Car. I. 1642. May.

'for such was the Power given to Lord-Lieutenants 'and Deputy-Lieutenants in every County of this 'Kingdom, and that without Consent of his People 'or Authority of Law: But now, in case of extream 'Necessity, upon the Advice of both Houses of Par-'liament, for no longer Space than two Years, a 'lesser Power, and that for the Safety of King and 'People, is thought too great to trust particular 'Persons with, tho' named by both Houses of Par-'liament, and approved of by his Majesty himself.

'And surely, if there be a Necessity to settle the 'Militia, (which his Majesty was pleased to con-'fess) the Persons cannot be intrusted with less 'Power than this to have it at all effectual. And 'the Precedents of former Ages, when there hap-'pened a Necessity to raise such a Power, never 'straitened that Power to a narrower Compass; 'witness the Commissions of Array in several Kings 'Reigns, and often issued out by the Consent and 'Authority of Parliament.

'The Lords and Commons therefore, intrusted 'with the Safety of the Kingdom and Peace of the 'People, (which they call God to witness is their 'only Aim) finding themselves denied these their 'so necessary and just Demands, and that they can 'never be discharged before God or Man, if they 'should suffer the Safety of the Kingdom and Peace 'of the People to be exposed to the Malice of the 'malignant Party at home, or the Fury of Ene-'mies from abroad: And knowing no other Way 'to encounter the imminent and approaching Dan-'ger, but by putting the People into a fit Posture 'of Defence, do resolve to put their said Ordinance 'in present Execution; and do require all Persons 'in Authority, by virtue of the said Ordinance, 'forthwith to put the same in Execution, and all 'others to obey it, according to the Fundamental 'Laws of the Kingdom in such Cases; as they ten-'der the Upholding of the true Protestant Religion, 'the Safety of his Majesty's Person and his Royal 'Posterity, the Peace of the Kingdom, and the 'Being of this Commonwealth.'

This

This Declaration was ordered to be forthwith printed and published, and Warrants were issued for exercising the Militia, throughout the Kingdom. [y] An. 18. Car. I. 1642. May.

Next, the Answer to the King's two Messages about Sir *John Hotham* and *Hull* was read, and the Commissioners Instructions; which were both as follows:

The most HUMBLE ANSWER *of the* LORDS *and* COMMONS *in Parliament to two Messages from your Sacred Majesty, concerning Sir* John Hotham*'s Refusal to give your Majesty Entrance into the Town of* Hull.

And to his Messages concerning Sir *John Hotham*.

'YOUR Majesty may be pleased to understand, 'that we, your great Council, finding ma-'nifold Evidences of the wicked Counsels and 'Practices of some in near Trust and Authority 'about you, to put the Kingdom into a Combus-'tion, by drawing your Majesty into Places of 'Strength, remote from your Parliament; and by 'exciting your People to Commotions, under Pre-'tence of serving your Majesty against your Par-'liament: Lest this malignant Party, by the Ad-'vantage of the Town and Magazine of *Hull*, 'should be enabled to go through with their mis-'chievous Intentions, did (in Discharge of the great 'Trust that lies upon us, and by that Power which, 'in Cases of this Nature, resides in us) command 'the Town of *Hull* to be secured by a Garrison of 'the adjoining Train'd Bands, under the Govern-'ment of Sir *John Hotham*; requiring him to keep 'the same for the Service of your Majesty and the 'Kingdom; wherein we have done nothing con-'trary to your Royal Sovereignty in that Town, 'or legal Property in the Magazine. Upon Con-'sideration of Sir *John Hotham*'s Proceedings at 'your Majesty's being there, we have, upon very 'good

[y] Lord *Clarendon* observes hereupon, That this being the first Order for Printing, without a previous Communication or Presentment to the King, his Majesty was much troubled how to take proper Notice of it. Vol. II. 8*vo*. p. 521.

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'good Grounds, adjudged, That he could not discharge the Truſt upon which, nor make good the 'End for which, he was placed in the Guard of 'that Town and Magazine, if he had let in your 'Majeſty, with ſuch Counſellors and Company as 'were then about you.

'Wherefore, upon full Reſolution of both 'Houſes, we have declared Sir *John Hotham* to be 'clear of that odious Crime of Treaſon; and have 'avowed, That he hath therein done nothing, but 'in Obedience to the Commands of both Houſes of 'Parliament; aſſuring ourſelves, that, upon mature 'Deliberation, your Majeſty will not interpret his 'Obedience to ſuch Authority to be an Affront to 'your Majeſty; or to be of that Nature as to re'quire any Juſtice to be done upon him, or Satiſ'faction to be made to your Majeſty; but that you 'will ſee juſt Cauſe of joining with your Parlia'ment, in preſerving and ſecuring the Peace of the 'Kingdom; ſuppreſſing this wicked and malignant 'Party, who, by falſe Colours and Pretenſions of 'maintaining your Majeſty's Prerogative againſt 'the Parliament, wherein they fully agree with the 'Rebels in *Ireland*, have been the Cauſe of all our 'Diſtempers and Dangers.

'For Prevention whereof we know no better 'Remedy, than ſettling the Militia of the King'dom according to the Bill which we have ſent 'your Majeſty; without any Intention of deſert'ing or declining the Validity or Obſervance of that 'Ordinance, which paſt both Houſes upon your 'Majeſty's former Refuſal; but we ſtill hold that 'Ordinance to be effectual by the Laws of this 'Kingdom.

'And we ſhall be exceeding glad if your Ma'jeſty, by approving theſe our juſt, dutiful, and ne'ceſſary Proceedings, ſhall be pleaſed to entertain 'ſuch Counſel, as we aſſure ourſelves, by God's 'Bleſſing, will prove very advantageous for the 'Honour and Greatneſs of your Majeſty, and the 'Safety and Peace of your People; amongſt which 'we know none more likely to produce ſuch good

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'Effects, than a Declaration from your Majesty of your Purpose to lay aside all Thoughts of going into *Ireland*; and to make a speedy Return into these Parts, to be near your Parliament: Which, as it is our most humble Desire and earnest Petition, so shall it be seconded with our most dutiful Care for the Safety of your Royal Person; and constant Prayers that it may prove honourable and successful, in the Happiness of your Majesty and all your Kingdoms.' An. 18. Car. I. 1642. May.

INSTRUCTIONS *for* Edward *Lord* Howard, Ferdinando *Lord* Fairfax, *Sir* Hugh Cholmley, *Sir* Philip Stapylton, *Sir* Henry Cholmley, *Committees of both Houses of Parliament, or any three of them.* [z]

I. 'YOU shall, in the Name of both Houses, declare and publish unto the Sheriff of the County of *York*, the Knights, Gentlemen, and others, his Majesty's Subjects in that County, That Sir *John Hotham* was, by us, commanded to secure the Town of *Kingston* upon *Hull*, and the Magazine there for his Majesty's Service and the Peace of the Kingdom, which, otherwise, would have been much endangered; and that, upon the same Reason, what hath since been done there by him hath been necessary in pursuance of those Directions; and is by us avowed and approved of, as warranted by the Authority of both Houses of Parliament. Their Instructions to the *Yorkshire* Committee.

II. 'You shall further take Care, That such Resolutions and Orders of both Houses, as have or shall be sent down, be put in Execution; and shall require the Sheriffs, Justices of the Peace, and all other his Majesty's Officers and loving Subjects, to be aiding and assisting unto you for that Purpose.

III. 'You shall take Care, That no Forces be raised for the forcing the Town of *Hull*, or otherwise

[z] These Instructions are enter'd in the *Journals* of both Houses; but not in *Husbands*, *Rushworth*, or any of the *Collections* of the Times.

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'wise to disturb the Peace of the Kingdom; and, 'in case any be raised, you shall require the Sheriff, 'in the Name of both Houses, to command them 'to disperse themselves; and, if they refuse so to do, 'that then the Sheriff, by the same Authority, 'shall forthwith raise the Power of the County for 'the Suppressing of them; and you shall likewise, 'by the same Authority, require the Lord-Lieute-'nant, appointed by the Ordinance of Parliament, 'and, in his Absence, the Deputy-Lieutenants, to 'draw together the Train'd Bands, for the Assist-'ance of the said Sheriff in so doing.

IV. 'Whereas we are informed, That his Ma-'jesty did, at *York*, propound unto the Knights and 'Gentlemen of that County, there assembled by 'his Command, that they would join with him for 'the Defence and Assistance of his own Person: 'You shall declare unto them, and all others, That 'it hath ever been, and still shall be, the chief 'Care and Endeavour of the Parliament to provide 'for his Majesty's Safety; and that they do not 'know of any Evil intended unto his Royal Person, 'which should move him to take such a Course: 'That his greatest Safety is in the Affection, Duty, 'and faithful Advice of his Parliament; and his 'greatest Danger in his withdrawing himself from 'them, and proceeding in Ways contrary to them: 'So as that the disaffected and malignant Party, 'under Colour of his Service, go about to raise a 'Faction and a Party against the Parliament; which, 'at last, may break out into an open Rebellion, to 'the Destruction both of King and People, if it be 'not, through the Blessing of God, prevented by 'the Wisdom and Authority of Parliament.

V. 'That in case there be a Necessity for rai-'sing the Forces of the County, for the Suppression 'of any Insurrection and keeping the Peace, you 'shall require Sir *John Hotham* to deliver such 'Proportion of Arms and Ammunition out of the 'Magazine there, as shall be necessary for that Ser-'vice: And you shall publish and declare, That 'the Parliament holds it lawful and necessary, to 'dis-

'diſpoſe of the public Magazines of the Kingdom 'for the Defence of the Kingdom; as likewiſe for 'the Suppreſſion of the Rebellion in *Ireland*, which 'doth ſo much concern the Safety of this Kingdom: 'But that it is their Intention, and Reſolution, to 'ſtore them again; as holding it fit ſuch a Propor- 'tion ſhall ſtill be in Readineſs, upon all Occa- 'ſions, for the Service of the King and Defence of 'the Commonwealth. An. 18. Car. I. 1642. May.

VI. 'Whereas we are informed, That divers 'Perſons, ſummoned to appear at the Parliament, 'have received a Command under his Majeſty's 'Hand, not to come there, but to abide ſtill near 'his Majeſty's Perſon, for which Service we con- 'ceive them to be of all others the moſt unfit; and 'that the Sheriff hath alſo been commanded, by 'his Majeſty, not to execute any Warrant or Or- 'der upon them: You ſhall let the Sheriff know, 'That the Houſes of Parliament will expect that 'their Orders and Commands ſhall be obeyed, the 'ſame being his Majeſty's Authority ſignified by his 'Higheſt Court; and that any Reſtraint, or Com- 'mand, to the contrary is againſt Law and the Pri- 'vilege of Parliament.

VII. 'You ſhall endeavour to clear the Proceed- 'ings of Parliament from all Imputations and Aſper- 'ſions; and ſhall, from Time to Time, certify us 'of all Things you may conceive neceſſary for the 'preſent Service: And, that we may have a ſpeedy 'Account of it, and that our Directions to you, as 'well as your Advertiſements to us, may have a 'clear and ready Paſſage, you ſhall lay a ſtrict 'Charge upon all Poſt-maſters, that they do not 'ſuffer any Letters, or other Diſpatches directed 'to or from the Parliament, to be intercepted or 'ſtayed: And, if any ſhall preſume to make ſuch 'Stay of thoſe Diſpatches, you ſhall direct the Poſt- 'maſters to repair to the Juſtices of Peace, Con- 'ſtables, and all other Officers, for their Aid and 'Aſſiſtance; who are hereby required to take ſpe- 'cial Care there may be no ſuch Interruption.

VIII.

An. 18. Car. I. 1642. May.

VIII. 'You shall observe and execute all such 'farther Directions and Instructions, as you shall, 'from Time to Time, receive from both Houses 'of Parliament.'

May 6. The Earl of *Essex* presented a Letter to the Lords, which he had received from the Lord Marquis of *Hertford*, Governor to the Prince of *Wales*, which was read to this Effect:

York, May 3, 1642.

My Noble Lord,

The Marquis of *Hertford*'s Letter concerning the Prince of *Wales*.

IT being expected from me that I should give Answer to the House of Peers, whether I would undertake that the Prince should not be conveyed out of this Kingdom, I humbly desire your Lordship to make this Answer from me, That I will undertake that the Prince shall go no farther than his Majesty goeth, for so it hath pleased him to assure me; and that he shall not stir from him. For any other Undertaking I utterly disclaim it, as being a Thing out of my Power, and, consequently, a great Rashness and Presumption in me to undertake. Thus much I once more humbly pray your Lordship to present, with my humble and earnest Desire that the Order may be taken off, which may be so prejudicial to me, especially since I have so far declared myself. God remove all Jealousies from us, and put a true Understanding between the King and his Parliament; which shall ever be the earnest and hearty Prayer of your Lordship's

Most faithful Brother,

and humble Servant,

HERTFORD.

This Letter was referred to a Committee of both Houses, to consider what was to be done concerning the Prince's Stay in *England*.

May 7. This Day the Lord Keeper presented to the Lords a Letter he had received from the King, with a Message inclosed; which, he said, he was com-

commanded to deliver to them; which was read in these Words: An. 18. Car. I. 1642. May.

SInce our gracious Message of the twenty-fourth of April *last, to both Houses of Parliament (demanding Justice for the high and unheard-of Affront offer'd unto us at the Gates of* Hull *by Sir* John Hotham) *is not thought worthy of an Answer; but that, instead thereof, they have thought fit, by their printed Votes of the twenty-eighth of* April *last, to own and avow that unparalelled Act of Sir* John Hotham's *to be done in Obedience to the Command of both Houses of Parliament, though at that Time he could produce no such Command; and, with other Resolutions against our Proceedings there, to publish a Declaration concerning that Business, as an Appeal to the People; as if their Intercourse with us, and for our Satisfaction, were now to no more Purpose: Though we knew this Course of theirs to be very unagreeable to the Modesty and Duty of former Times, and unwarrantable by any Precedents but what themselves have made; yet we are not unwilling to join Issue with them in this Way, and to let all the World know, how necessary, just, and lawful all our Proceedings have been in this Point; and that the Defence of these Proceedings is the Defence of the Law of the Land, of the Liberty and Property of the Subject; and that by the same Rule of Justice, which is now offered to us, all the private Interest and Title of all our good Subjects to all their Lands and Goods are confounded and destroyed. Mr.* Pymme *himself tells you, in his Speech against the Earl of* Strafford, *(published by the Order of the House of Commons)* The Law is the Safeguard, the Custody of all private Interests; your Honours, your Lives, your Liberties, and Estates are all in the Keeping of the Law; without this, every Man hath a like Right to any Thing. *And we would fain be answered, What Title any Subject of our Kingdom hath to his House or Land, that we have not to our Town of* Hull? *Or what Right hath he to his Money, Plate, or Jewels, that we have not to our Magazine or Munition there? If we had ever such*

The King's Answer, *May* 4, to the Parliament's Votes and Declarations concerning Sir *John Hotham* and *Hull*.

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An. 18. Car. I. 1642. May.

a Title we would know when we loſt it? And if that Magazine and Munition, bought with our own Money, were ever ours, when and how that Property went out of us? We very well know the great and unlimited Power of a Parliament, but we know as well that it is only in that Senſe, as we are a Part of that Parliament. Without us, and againſt our Conſent, the Votes of either or both Houſes together muſt not, cannot, ſhall not (if we can help it, for our Subjects Sake as well as our own) forbid any Thing that is enjoined by the Law, or enjoin any Thing that is forbidden by the Law; but, in any ſuch Alteration which may be for the Peace and Happineſs of the Kingdom, we have not, ſhall not, refuſe to conſent: And we doubt not but that all our good Subjects will, eaſily, diſcern in what a miſerable Inſecurity and Confuſion they muſt neceſſarily and inevitably be, if Deſcents may be altered, Purchaſes avoided, Aſſurances and Conveyances cancelled, the Sovereign legal Authority deſpiſed and reſiſted, by Votes or Orders of either, or both Houſes: This, we are ſure, is our Caſe at Hull, and as it is ours To-day, by the ſame Rule it may be theirs To-morrow.

... againſt any deſperate Deſigns of the Papiſts we have ſufficiently expreſs'd our Zeal and Intentions, and ... as forward to adventure our own Life and ... to oppoſe any ſuch Deſigns, as the meaneſt Subject in our Kingdom.

... the Malignant Party; as the Law hath not to ... knowledge defined their Condition, ſo hath neither ... repreſented them to us, under ſuch a Notion as we ... underſtand whom they intend; and we ſhall ... only enquire after, and avoid, the malignant ... the Character of Perſons diſaffected to ... Government of the Kingdom; and ſuch ... and deſpiſing the Law of the Land, ... themſelves other Rules to walk by, and ſo ... their Obedience to Authority; of theſe ..., as deſtructive to the Commonwealth, we ſhall take all poſſible Caution.

... Letters intercepted from the Lord Digby *(... Intentions a Retreat to a Place of Safety) ſhould*

should hinder us from visiting our own Fort; and how An. 18. Car. I. 1642. [May.
we have opposed any Ways of Accommodation with our Parliament; and what Ways and Overtures have been offered in any Way, or like any Desire of such Accommodation; or whether our Message of the twentieth of January *last, so oft in vain pressed by us, have not sufficiently expressed our earnest Desire of it, let all the World judge: Neither is it in the Power of any Persons to incline us to take Arms against our Parliament and our good Subjects, and miserably to imbroil this Kingdom in Civil Wars. We have given sufficient Evidence to the World how much our Affections abhor, and our Heart bleeds at, the Apprehension of a Civil War; and let God and the World judge, (if our Care and Industry be only to defend and protect the Liberty of the Subject, the Law of the Kingdom, our just Rights (Part of that Law) and our Honour, much more precious than our Life: And if, in Opposition to these, any Civil Wars shall arise) upon whose Account the Blood and Destruction that must follow must be cast: God and our own Conscience tells us that we are clear.*

For Capt. Legge's *being sent heretofore to* Hull, *(tho', by the Way, this is the first Time we ever heard that he was accused for the Practice of bringing up the Army against the Parliament; neither do we yet know that there is such a Charge against him) or for the Earl of* Newcastle's *being sent thither by our Warrant and Authority, we asked a Question long ago, in our Answer to both Houses concerning the Magazine at* Hull, *which we have Cause to think is not easy to be answered:* Why the general Rumour of the Designs of Papists in the Northern Parts should not be thought sufficient Ground for us to put in such a Person of Honour, Fortune, and unblemished Reputation, as the Earl of *Newcastle* is known to be, into a Town and Fort of our own, where our own Magazine lay; and yet the same Rumour be Warrant enough to commit the same Town and Fort, without our Consent, to the Hands of Sir *John Hotham*, with such a Power, as is now too well known and understood? *How our Refusal*

to

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to have that Magazine removed upon the Petition of both Houſes, could give an Advantage againſt us to have it taken from us, and whether it was a Refuſal, all Men will eaſily underſtand who read our Anſwer to that Petition, to which it hath not been yet thought fit to make any Reply.

For the Condition of theſe Perſons who preſented the Petition to us at York, *(whom that Declaration calls,* Some few ill-affected Perſons about the City of *York) to continue the Magazine at* Hull[a]; *we make no doubt but that Petition will appear to be atteſted, both in Number and Weight, by Perſons of Honour and Integrity, and much more converſant with the Affections of the whole County, than moſt of thoſe Petitions which have been received with ſo much Content and Approbation: And for their Preſumption of interpoſing their Advice, we the more wonder at that Exception, when ſuch Encouragement hath been given, and Thanks declared, to Multitudes of mean and unknown People, 'Prentices and Porters, who have accompanied Petitions of very ſtrange Natures.*

For the Manner of our going to Hull; *we have clearly ſet forth the ſame in our Meſſage to both Houſes on that Buſineſs; and for any Intelligence given to Sir* John Hotham, *of an Intention to deprive him of his Life, as we know there was no ſuch Intention in us, having given him all poſſible Aſſurance of the ſame at our being there; ſo we are confident no ſuch Intelligence was given, or if it were, it was by ſome Villain, who had nothing but Malice, or Deſign to fright him from his due Obedience, to warrant him. And Sir* John Hotham *had all the Reaſon to aſſure himſelf, that his Life would be in much more Danger by refuſing to admit his King into his own Town and Fort, than by yielding him that Obedience, which he owed by his Oaths of Allegiance and Supremacy, and the Proteſtation, and he well knew was due and warrantable by the Laws of the Land.*

For the Number of our Attendants, (though that could be no Warrant for ſuch a Diſobedience in a Subject) it is well known, as we expreſſed in our Meſſage to

[a] At p. 450, in this Volume.

to both Houſes, to which Credit ought to have been given, that we offered to go into the Town with twenty Horſe only, our whole Train being unarmed: And whoſoever thinks that too great an Attendance for ourſelf and our two Sons, have ſure an Intention to bring us to a meaner Retinue than they yet will avow. An. 18. Car. I. 1642. May.

Here then is our Caſe, of which let all the World judge: We endeavoured to viſit a Town and Fort of our own, wherein our own Magazine lay; a Subject, in Defiance of us, ſhuts the Gates againſt us; with armed Men reſiſts, denies, and oppoſes our Entrance; tells us, in plain Terms, We ſhall not come in. We do not pretend to underſtand much Law, yet, in the Point of Treaſon, we have had much Learning taught us this Parliament; and if the Senſe of the Statute, 25 Edward III. *Cap.* 2. *be not very different from the Letter, Sir* John Hotham's *Act was no leſs than plain High Treaſon: And we had been contemptibly ſtupid, if we had, after all thoſe Circumſtances of Grace and Favour then ſhewed him, made any Scruple to proclaim him Traitor; and whether he be ſo or no, if he ſhall render himſelf, we will require no other Trial, than that which the Law hath appointed to every Subject; and which we are confident we have not, in the leaſt Degree, in thoſe Proceedings violated, no more than we have done the Privileges of Parliament by endeavouring, in a juſt Way, to challenge our own unqueſtionable Privileges: For that in ſuch a Caſe, the declaring him Traitor, being a Member of the Houſe of Commons, without Proceſs of Law, ſhould be a Breach of Privilege of Parliament (of which we are ſure none extends to Treaſon, Felony, or Breach of the Peace) or againſt the Liberty of the Subject, or againſt the Law of the Land, we muſt have other Reaſons than bare Votes.*

We would know if Sir John Hotham *had, with thoſe Forces by which he kept us out of our Town of* Hull, *purſued us to the Gates of* York, *which he might as legally have done, muſt we have ſtaid from declaring him Traitor, till Proceſs of Law might have iſſued againſt him? Will Fears and Jealouſies diſ-*

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dispense with real and necessary Forms; and must we, when actual War is levied upon us, observe Forms which the Law itself doth not enjoin? The Case is truly stated; let all the World judge (unless the meer Sitting of a Parliament doth suspend all Laws, and we are the only Person in England *against whom Treason cannot be committed) where the Fault is: And whatsoever Course we shall be driven to for the Vindication of this our Privilege, and for the Recovery and Maintenance of our known and undoubted Rights, we do promise, in the Presence of Almighty God, and as we hope for his Blessing in our Success, that we will, to the utmost of our Power, defend and maintain the true Protestant Profession, the Law of the Land, the Liberty of the Subject, and the just Privileges and Freedom of Parliament.*

For the Order of Assistance given to the Committees of both Houses, concerning their going to Hull, *we shall say no more, but that those Persons, named in that Order, we presume will give no Commands, or our good Subjects obey, other than what are warranted by the Law, how large and unlimited soever the Directions are, or the Instructions may be; for to that Rule we shall apply our own Actions, and by it require an Account from other Men. And that all our good Subjects may the better know their Duty in Matters of this Nature, we wish them carefully to peruse the Statute in the eleventh Year of* Hen. VII. *Cap.* I. [b]

We conclude with Mr. Pymme's *own Words:* If the Prerogative of the King overwhelm the Liberty of the People, it will be turned to Tyranny: If Liberty undermine the Prerogative, it will grow into Anarchy: *And so we say into Confusion.*

A Conference thereupon.

The Lords, taking this Message into Consideration, were of Opinion that it was the Fruits of evil Counsels and Advice about the King; and therefore resolved to communicate the same to the Commons, at a Conference; and to move that the Houses may speedily think of naming such Persons as are the evil Counsellors about his Majesty, that so

[b] See the Abstract thereof, with Lord *Bacon*'s Remarks upon it, in our Second Volume.

so some Course may be advised how to remove them from him: Accordingly their Lordships sent to the House of Commons, to desire a Conference on a Message, received from the King, of a very high Nature; at which a Committee of both Houses was appointed to prepare a speedy Answer. An. 18. Car. I. 1642. May.

In the Report of this Conference, made by Mr. *Holles* to the Commons, he observed that the Earl of *Essex* said in it, 'That the Lords observed these Messages from the King to go higher and higher; and he believed the King to be of that Goodness, that they came not from himself; but from such as are Incendiaries, and that endeavour to raise a Division between the King and Parliament: That the Lords had formerly moved them to name those evil Counsellors, and did now press it again; and that the Lords were ready to join with them in it, and did now lay it at their Doors, the Commons being the Representative Body of the Kingdom, and therefore most concerned in it.'

Hereupon the Commons made an Order, and appointed the *Monday* following for nominating the evil Counsellors and malignant Party about the King; but we do not find any Thing further done in that Affair.

The same Day some Exceptions having been taken at Words spoke by Sir *Henry Ludlow*, he explained himself, and withdrew. And the House entered into Debate thereof; after which he was call'd to his Place: And Mr. Speaker told him, 'That the 'Words which he spake, were Words that had an 'Aspect towards the King; and when Words fall 'from him, that may reflect upon that Sacred Per-'son, he ought to weigh them, that they may be ac-'companied with that Duty which is due from a 'loyal Subject to so gracious a Sovereign.' It is not mentioned in the *Journals* what the Words were: But, in the King's Declaration of the 12th of *August*, in this Year, they are said to be these, *That the King was not worthy to be King of* England [c]. Sir *Henry Ludlow* reproved by the Speaker, for reflecting on the King.

c This Sir *Henry Ludlow* was Father of Lieutenant-General *Edmund Ludlow*, one of the Regicides, and Author of the *Memoirs*.

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The King's Message to the Parliament, about his going into *Ireland*, having been thought proper to be communicated to the Privy Council in *Scotland*, their Opinion thereupon was this Day read in the House of Lords [d], and was as follows:

The *Scots* Privy Council's Opinion, as to the King's going to *Ireland*.

'THE Lords of the Privy Council of the Kingdom of *Scotland*, in a full Meeting, having, according to the Importance of Matters of so great Weight and high Concernment, maturely, and at length, considered the several Declarations, Messages, Answers, and Instructions sent unto them from his Majesty; as also what hath been represented unto them, in the Declaration sent from the Parliament of *England*; do find themselves bound, in Duty, to acknowledge that they esteem it no small Happiness to receive true and full Informations from the Fountains; and not to be left to the muddy and wandering Streams of private Misreports, which are ready to mislead such as follow them, from the right understanding of the Truth, into the dangerous bye Paths of Jealousies and Error: The preventing whereof made this Kingdom, in the Time of their late Troubles, so frequently to declare themselves and their Intentions, both to the King's Majesty and the Kingdom of *England*.

'They do also receive and embrace, with all humble Respect and Thankfulness, from his Majesty, the large and lively Expressions of his Royal and Religious Resolution and Care to maintain and preserve the true Religion, Liberties, and Laws of his Kingdoms, together with a right Correspondence betwixt them; it being the true and only Foundation of Greatness and Glory to himself and his Posterity, and of Peace and Happiness to his People; for which this whole Kingdom, being straitly bound by their common Allegiance, natural Obedience, and national Oath, never to be forgotten, will be ever most willing to

[d] From their *Journals*. We do not find it in any of the *Collections* of these Times.

'to ſpend their Lives, Fortunes, and what is deareſt unto them. An. 18. Car. I. 1642. May.

'They do, in like Manner, with reciprocal brotherly Affection, acknowledge the large Teſtimony of the Care and Zeal of the Parliament of *England*, to keep a right Underſtanding betwixt the two Nations; which both Parliaments have oblig'd themſelves, by ſolemn Vow and Proteſtation, by all good Ways and Means to preſerve; againſt which no ſiniſter Information, nor Miſreport, ſhall ever make this Kingdom to fall into ſuch Miſconſtruction, as may be a Violation of their own Vow and Proteſtation made in Parliament: But, in the Midſt of this their Joy and Gladneſs, ariſing upon the Profeſſions and Proteſtations both of King and Parliament, they cannot but confeſs their unfeigned Grief and great Fears which they have received, upon the Miſunderſtanding and ſo long Diſtractions betwixt his Majeſty and his Parliament; which, unleſs they be ſpeedily removed, can bring forth no other Fruits than the Rejoicing and Triumphs of the common Enemies of our Religion and Peace; and ſuch a World of Evils to his Majeſty and his Dominions, as they are loath to ſuffer themſelves to think upon; but chuſe rather to wrap them up in Silence: Wiſhing that they may be made never more to appear, to the Encouragement of ill-affected Perſons, and the Grief of the Hearts of all good Men.

'And therefore, upon the one Part, they wiſh, and are confident, That the Honourable Houſes of Parliament, in their great Wiſdom and Affection, will leave no fair and good Means uneſſayed to induce his Majeſty to return unto them; that there may be a better Underſtanding betwixt him and his People, and they honoured with his Royal Preſence, and ſtrengthened by his Scepter and Authority. And altho' they know that they neither will, nor ſhould, meddle with the public Actions of another Kingdom, farther than as they are called and intereſted as Fellow-Subjects under one Head and Monarch: Yet, ſince the Honourable

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'Houſes of Parliament have thought meet to draw 'the Practice of the Parliament of *Scotland* into 'Example, in the Point of their Declaration; they 'are confident that the Affection of the Parliament 'will lead them alſo to the Practice of this King-'dom, in compoſing the unhappy Differences be-'twixt his Majeſty and them; and, ſo far as may 'conſiſt with their Religion, Liberty, and Laws, 'in giving his Majeſty all Satisfaction; eſpecially 'in their tender Care of his Royal Perſon, of his 'Princely Greatneſs and Authority, and the Pro-'ſperity of the Kingdom.

'Upon the other Part, from the deep Senſe of 'his Majeſty's Troubles, and from the Love and 'Loyalty of their Hearts, their humble Deſire is, 'That his Majeſty may be pleaſed to hearken to 'the earneſt Deſires and hearty Invitations of his 'People, in returning to his Parliament; which, 'as it is his great, ſo it is his beſt and moſt impar-'tial, Council; that, by the Brightneſs of his Ma-'jeſty's Preſence and Countenance, all the Clouds 'of former Jealouſies and Fears may be ſcattered; 'a mutual Confidence may be revived; and his 'People ſatisfied, as the only Means of Happineſs 'both to the King and Kingdom; the Reflection 'whereof, upon this Kingdom, will alſo increaſe 'our Happineſs.

'And, ſince his Majeſty hath been pleaſed to 'make known unto them his Reſolution to go for '*Ireland*, in his Royal Perſon, they are bold, as his 'Majeſty's loving Subjects and faithful Counſellors, 'to give their humble Opinion, That as they do, with 'their Hearts, acknowledge his Majeſty's fatherly 'compoſing of the Sufferings of his good Subjects 'by the Rebellion there; his Princely Endeavours 'in quickening all Means that may ſerve for their 'Relief, and for the more ſpeedy and powerful 'Suppreſſion of the Rebels, and Deliverance of his 'People, in offering to hazard his own Royal Per-'ſon; than which there can be no greater Demon-'ſtration of Princely Care and Courage: So they, 'by their natural Affection, and by their Deſire of

'the

'the Preſervation of his Majeſty's Perſon, (upon which dependeth the Safety of this Kingdom) are conſtrained, in all Humility, to repreſent, That they conceive it to be a Matter which requireth very mature Deliberation, Whether his Majeſty ſhall hazard his own Royal Perſon in ſuch a War, and thereby alſo put all his good Subjects in great Fears for him? Whether the great Affairs and dangerous Diſtractions of this Kingdom of *England* (which never did more require his perſonal Preſence) may ſuffer his Abſence at this Time? Whether his going, in Perſon, againſt ſuch baſe Rebels, be not deſcending too low from that higheſt Dignity and Royal Eminency wherein God hath placed him, as his immediate Vicegerent? And whether it be not more for his Majeſty's Honour and Safety, and for the inward Security of his People againſt their Fears of Danger to his Majeſty's Perſon, and their outward Quietneſs againſt Danger to themſelves, to command ſuch Forces of his willing Subjects to go in that Expedition, as, by God's Help and Aſſiſtance, may be more than ſufficient to cruſh that Rebellion, and to reduce the whole Kingdom to his Majeſty's Obedience? But, concerning this, they wiſh and hope that his Majeſty may be pleaſed to hear and conſider the Advice and Council of his Parliament of *England*, as being moſt nearly concerned in the Matters of *Ireland*; altho' none be more ſo in their Intereſt in his Majeſty's Royal Perſon.

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'In the End, they do humbly intreat, That all Means may be forborne which may make the Breach wider and the Wound deeper; and that no Place be given to the evil Spirit of Diviſion, which at ſuch Times worketh inceſſantly and reſteth not: But that the faireſt, the moſt Chriſtian, and compendious Way may be taken, by ſo wiſe a King and Parliament, as may, againſt all Malice and Oppoſition, make his Majeſty and Poſterity more glorious, and his Kingdoms more happy than ever: For this bleſſed and earneſtly wiſh'd-for

'Con-

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Conclusion, according to their manifold Obligations and Duty, they offer their best Endeavours; and, for the present, have sent up the Earl of *London*, Chancellor of the Kingdom, who will give a more full Declaration of their Mind and Desires.

ARCH. PRIMROSE, *Clerk of the Council.*

May 9. The House of Lords were inform'd that their Orders were treated at *York* with Contempt; and this Day two of their Messengers, sent to bring up some Persons as Delinquents, appearing before them, made Oath that they received the following Paper from Secretary *Nicholas:*

The King forbids all Persons in *Yorkshire*, to obey any Summons of Parliament:

'I Have, according to your Desires, acquainted his Majesty with the three Orders you shew'd me from the Parliament, for summoning some of his Majesty's Servants, and others of this County, to attend the Parliament; to which he has commanded me to give you this Answer:

'That he will not give Way that any of his Servants, or others of this County, shall go out of this Shire, untill he shall have Justice done him by the Parliament against Sir *John Hotham*, for the Affront and Indignity offered to his Majesty at *Hull.*'

Their Order thereupon.

The first Thing the Lords did after reading this Paper, was to send an Order to the High Sheriff of the County of *York*, to bring, or cause to be brought, before them, the Bodies of Sir *Thomas Darrel* and Sir *John Hales*; and that their Committee, residing in *York*, should see this Order put in Execution. Next, the Lords conceiving this Business to be a great Breach and Contempt of the Power of Parliament; and in regard the said Persons were sent for at the Desire of the House of Commons; a Committee of both Houses was appointed to consider of the aforesaid Paper, and what was proper to be done upon it.

May 10. The Lord-Keeper reported the Effect of a Conference, held Yesterday, between the two Houses,

Houſes, which conſiſted of divers Heads, preſented by the Commons; the firſt of which was Matter of Religion, which, as the Anchor of Chriſtians, and the Stay of Faith, they were very tender of. An. 18. Car. I. 1642. May.

Propoſitions of the Commons againſt Popiſh Recuſants.

1*ſt*, 'The Houſe of Commons obſerved, That the Papiſts had been very active ſince the Ordinance of Parliament for diſarming them; and they were informed that the Magazine at *Monmouth* was as much under the Command of the Earl of *Worceſter*, as if it was in his own Caſtle of *Ragland*; therefore t have ordered the Magazine to be removed to *Newport*; to which they deſired the Lords Concurrence, becauſe of the great Reſort of Papiſts who live near *Monmouth* and *Ragland*, and of the Activeneſs of the Earl of *Worceſter* and his Son.

2*dly*, 'They deſired that the ſaid Earl, and all other Recuſants in thoſe Parts, might be forthwith diſarmed, and their Arms and Ammunition ſent to *Newport*; and an Order ſent down to the Sheriff and Juſtices of the County of *Monmouth* for that Purpoſe.

'The *third* Head was on the great Reſort and Confluence of People that go to Maſs at Ambaſſadors Houſes; which ought not to be ſuffered, becauſe there was a Petition from both Houſes, preſented to the King, touching this Matter, 21 *Jac.* and again 1 *Car.*[e] which were conſented to; and thoſe Anſwers amount to the Form and Value of a Law. That there was a poſitive Law, alſo, againſt this, by Act of Parliament, by which none are to go to Maſs upon Pain of 100*l.* That there was no ſuch Liberty to the King's Subjects of our Religion, neither in *Spain*, *Italy*, *Germany*, nor *France*; and we ſhould be as careful of our Religion, as they of their Idolatries.

'Ambaſſadors are public Miniſters, and have great Privileges, *Jure Gentium*; but if they ſwerve from the due Execution of them, and break the Laws of the Land, they are not to be ſuffered therein. That the Commons lately gave a Warrant to apprehend ſuch of the King's Subjects as went

e In our Sixth Volume.

An. 18. Car. I. 1642. May. went to Mass at Ambassadors Houses; and one being apprehended as he went to the *Portugal* Ambassador's House, sixty Yards from it, a Tumult arose, and the Party was rescued out of the Hands of the Officers, by the Ambassador's Men and others, Swords being drawn; and the Ambassiador, out of his Balcony, crying, *Kill them, kill them.* This the Commons hold to be an Affront of a very high Nature; and do think fit that their House be vindicated for this Affront; which they leave to their Lordships speedy Consideration.

'The *fourth* Head was against one *Chaloner*, an *Englishman*, and Agent and Consul for the *English* Merchants at *Lisbon*, a Papist, for tampering with and perverting his Majesty's Subjects from the Protestant Religion; and his Wife being also a Papist, corrupts many Wives and Children. They therefore desire he may be recalled.

5*thly*, 'Against Priests and Jesuits, the King's native Subjects, being protected under the Title of Chaplains and menial Servants. That the Commons were informed the *Spanish* Ambassador is industrious in advancing Religion this Way; and hath thirty or forty Priests, who go in Lay Habits, and attend on him as menial Servants, yet go abroad and pervert and corrupt the King's Subjects from their Religion. Priests and Jesuits, they said, were Locusts and Vermin; who have done so much Mischief in *Ireland*, and may do the like here, in *England*, if not prevented; for their Opinions are, *Juramentum Fidelitatis proprio suo Principi, datum Authoritate Principis sive Præsidis*, Romani *Pontificis Authoritate posse dissolvi.*'

Most of which the Lords agree to. The Lords, taking these Matters into Consideration, agreed with the House of Commons in all these Propositions, except in the *Portugal* Ambassador's Affair, which is not mentioned.

Absent Peers ordered to attend. *May* 11. Nothing done this Day in the House of Lords, material, except ordering, That the Earls of *Carlisle* and *Newport*, with the Lords *Willoughby*

loughby of *Eresby*, *Rich*, *Savile*, and *Spencer*, who were then with the King, should be sent for to attend the Service of the House. The Commons, also, sent up Impeachments against Sir *George Strode* and *Richard Spencer*, Esq; concerned in the Affair of the *Kentish* Petition. An. 18. Car. I. 1642. May.

May 12. The House of Lords and Commons received Letters from their Committee at *York*, both to the same Purport, which were read by the former in these Words: [f]

York, May 10, 1642.

A Letter to the Parliament from their Committee at *York*.

WE came hither, to York, *upon* Sunday *last, and then understood that his Majesty had commanded the Gentry of this County to wait upon him on* Thursday *next. Yesterday, being* Monday, *we were admitted to the King's Presence, where we delivered your Declaration; and this Afternoon he sent for us, and gave us this Answer inclosed, giving us a strict Command to carry it up ourselves to Parliament. We told him, That we were commanded to stay here and attend upon him, and use our best Endeavours in keeping the Peace of the Country. He replied,* That if we would positively disobey him, and stay here, he would advise us not to make any Party, or hinder his Service in the Country, for, if we did, he would clap us up. *We humbly answered, That our Denying to go at this Time was no personal Disobedience in us to his Majesty, but that we were engaged in our Duty to the Parliament, and in our Honour; having undertaken to observe those Instructions we had received, and were tending only to his Honour and the Peace of the Kingdom; but not to make nor nourish any Party; nor could we be commanded from staying here to execute them, without a great Breach of the Privilege of Parliament. Upon this our humble Excuse, that we could not depart thence, his Majesty enjoined us to attend his Person on* Thursday, *to hear what he should say to the Gentlemen that were summoned to appear.*

After

[f] In the *Lords Journals* only.

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After divers other Passages he commanded us to shew him our Instructions, and, withdrawing into a private Room from the great Company that was there present, he heard them read, took one of our Copies, and so dismissed us. Thus far we thought good to give you an Account of our Employment; which, how full soever it may be of Difficulties, yet shall we not be discouraged to do any Thing, that, according to the Trust reposed in us, shall conduce to the Quiet and Peace of the Kingdom, and the Honour of the Parliament. In which Hope we rest

Your faithful Friends and Servants,

FER. FAIRFAX.
HU. CHOLMLEY.
PHIL. STAPYLTON.
HEN. CHOLMLEY.

Then was read the King's Answer to the Parliament's Declaration concerning *Hull*, which came along with this Letter. It was as follows:

The King's Reply to the Parliament's Answer concerning Sir *John Hotham*, &c.

HIS Majesty was in good Hope that the Reason why you, so long, deferred your Answer to his Messages concerning Hull, *was, That you might the better give him Satisfaction therein; which now adds the more to his Astonishment, finding this Answer, after so long Advisement, to be of that Nature which cannot but rather increase than diminish the present Distractions, if constantly adhered unto by the Parliament. Was it not too much, that his Majesty's Town of* Hull *had a Garrison put into it, to the great Charge of the Country and Inconvenience to the poor Inhabitants, without his Majesty's Consent and Approbation, under Colour, at that Time, of foreign Invasion, and Apprehensions of the Popish Party; but now the Reasons thereof must be enlarged with a Scandal to his Majesty and his faithful Servants, only to bring in the more specious Pretence for the Avowing of Sir* John Hotham's *treasonable Insolency?*

His Majesty hath often heard of the great Trust that, by God and Man's Laws, is committed to the King,

King, for the Defence and Safety of his People; but, as yet, hath never underſtood what Truſt or Power is committed to either or both Houſes of Parliament, without the King, they being ſummoned to counſel and adviſe the King; and by what Law, or Authority, they poſſeſs themſelves of his Majeſty's proper Right and Inheritance, he is confident, that as they have not, ſo they cannot ſhew. An. 18. Car. I. 1642. May.

His Majeſty, hitherto, hath not given the leaſt Interruption to public Juſtice; but you, rather than ſuffer one of your Members to come ſo much as to a legal Trial for the higheſt Crime, will make Uſe of an Order of Parliament to countenance Treaſon, by declaring him free from that Guilt which all former Ages never accounted other; and that without ſo much as inquiring the Opinion of the Judges; for his Majeſty is confident that you would have mentioned their Opinion, if you had aſk'd the ſame.

Therefore his Majeſty expects that, upon further and better Conſideration of the great and neceſſary Conſequence of the Buſineſs of Hull, *and ſeriouſly weighing how much this doth concern the Peace and Quiet of the Kingdom, you will, without further Inſtance from his Majeſty, give him full and ſpeedy Juſtice againſt Sir* John Hotham; *and he leaves all his good People to think what Hope of Juſtice there is left for him, when you ſhall refuſe or delay to give your own Sovereign Satisfaction: And, as his Majeſty hath already ſaid,* 'Till this be done he will intend no Buſineſs whatſoever, other than that of *Ireland.*

And his Majeſty likewiſe expects that, in the Way you have expreſs'd in this your Anſwer, you will not put the Militia in Execution, untill you can ſhew him by what Law you have Authority to do the ſame without his Conſent; or if you do, he is confident that he ſhall find much more Obedience, according to Law, than you againſt Law; and his Majeſty ſhall eſteem all thoſe that ſhall obey you therein, to be Diſturbers of the Peace of the Kingdom, and, in due Time, call them legally to a ſtrict Account for the ſame.

As for Ireland, *his Majeſty refers you to his former Anſwer.*

And

An. 18. Car. I. 1642. May. *And, laſtly, concerning his Return, he never heard that the ſtandering of a King's Government and his faithful Servants, the refuſing of him Juſtice in a Caſe of Treaſon, and the ſeeking to take away his undoubted and legal Authority, under the Pretence of putting the Kingdom into a Poſture of Defence, were Arguments to induce a King to come near or hearken to his Parliament.*

The Lords and Commons had another Conference on the Subject of the foregoing Letter and the King's Anſwer; the Reſult of which, as to the former, was, That both Houſes reſolved to maintain their Commiſſioners at *York*, in thoſe Things they had done, and ſhould further do, in Obedience to their Commands, for preſerving the Peace of the Kingdom.

Both Houſes reſolve to ſupport their Committee.

A Committee was alſo appointed to draw up a ſpeedy Anſwer to the King's laſt Meſſage.

Sir *George Strode* and Mr. *Spencer* were brought to the Lords Bar, where the Impeachment of the Commons were read to them; but both theſe Accuſations are wanting in the *Journals*. The Loſs of which is the leſs to be regretted, ſince they, moſt probably, differed very little from thoſe, already given, againſt Sir *Edward Dering*.

May 13. Both Houſes join'd in a Reſolution to declare, That any Perſon whatſoever who ſhall arreſt or impriſon the Perſons of thoſe Lords and Gentlemen, or any of them, or any other Member of either Houſe, that are, or ſhall be, employed in the Service of both Houſes of Parliament; or ſhall offer Violence to them for doing of any Thing in purſuance of their Commands, or the Inſtructions of both Houſes given unto them, ſhall be held Diſturbers of the Proceedings of Parliament, and public Enemies of the State; and that all Perſons are bound, by the Proteſtation, to endeavour to bring them to condign Puniſhment: That a Letter of Thanks

Thanks be ſent to the Committee at *York*, and a Copy of theſe Votes with it. An. 18. Car. I. 1642. May.

May 14. This Day a Bill, intituled, *An Act to reſtrain Peers, hereafter made, from ſitting or voting in Parliament*, was read a third Time in the Houſe of Lords, and paſſed; the Earls of *Monmouth*, *Briſtol*, and *Dover*, with the Lords *Mowbray*, *Howard* of *Charlton*, and *Capell*, only, diſſenting. Bill paſſed for limiting the Peerage.

The Commons having received Letters from the Earl of *Ormond* and Sir *John Temple*, dated the fifth of *May*, containing a further Relation of the Succeſs of his Majeſty's Forces in *Ireland*; and another of the ninth from the Lords Juſtices, with an Account of a great Victory obtained over the Rebels there by Sir *Charles Coote*, wherein he loſt his Life by an unfortunate Shot from one of his own Men: They ordered theſe Letters to be printed, and alſo reſolved to move the Lords to join with them, in beſeeching his Majeſty to beſtow the Lands of *Florence Fitzpatrick*, a Rebel, upon Sir *Charles Coote*'s Children, according to the Deſires of the Lords Juſtices.—This was agreed to by the Lords. Further Succeſs againſt the *Iriſh* Rebels.

May 16. The Lord Privy-Seal,[z] being this Day appointed Speaker of the Houſe of Lords, in the Abſence of the Lord-Keeper, deliver'd a Letter from the King, in which was a Meſſage incloſed. The Parliament had paſſed and ſent to his Majeſty a Bill, *For levying* 10,000 *Men for the Service of* Ireland; to which he returned this Anſwer:

York, May 13, 1642.

THAT he had ever ſhewed himſelf ſo ready to do any Thing that might conduce to the Suppreſſion of the barbarous Rebellion in Ireland, *that he doubts not but all the World is very well ſatisfied of his true Zeal therein: Therefore he doth not conceive why the Parliament ſhould propoſe a new Way of levying Men for that* The King's Reaſons againſt the Bill of Levies for *Ireland*.

z Earl of *Mancheſter*.

An. 18. Car. I. 1642. May.

that Service; especially since his Majesty hath been so far from refusing any Levies, that he hath offered, formerly, to levy 10,000 *Men, Volunteers, in case the Parliament would promise to pay them; which, at that Time, if not refused, at least, was not accepted. Besides, you may well remember, that when his Majesty declared to raise* 2000 *Foot and* 200 *Horse, for his own Guard, upon his Intention of going into* Ireland, *the Answer to that was, That it was too great an Addition of Charge to the Country, they having already undertaken the Pay of so many Men; and therefore his Majesty cannot but wonder, what Means they can now find to pay* 10,000 *Men, when, but a little while ago, they thought* 2000 *too much. But, seeing it is for so necessary a Work, his Majesty will not examine the Reason of this sudden Alteration of Opinion, being glad that Means will be so easily found for so great a Supply, as this for* 10,000 *Men will be; only he cannot give Way that the Manner of levying them should be altered: Therefore he offers to levy the above-named Number, in the old accustomed Way, under such Commanders as his Parliament shall have no Cause to disapprove of; but he holds it very inconvenient to sign the Bill sent unto him by Way of an Instruction, not knowing the many Inconveniences that, upon passing thereof, may happen. His Majesty, likewise, takes Notice, that above half those Men, for which he hath already given Commission, are yet unlevied, or at least, not gone; so that if the Parliament like of the old Way of levying, which he can conceive no Reason why they should eschew, he undertakes there shall be no Time lost in the aforesaid Levies.*

After reading this Message the Commons sent Sir *William Lewis* up to the Lords with a long Declaration, (which had been the Business of a Committee for several Days past) containing a Recapitulation of all the Errors and Miscarriages in Government, from the Dissolution of the last Parliament; to which were added many Letters, Examinations, Warrants, and Depositions; all which they had voted to be printed, and also published in all Parish Churches.

Churches. Sir *William Lewis* was directed to desire their Lordships Concurrence therein, and to give them Satisfaction, if desired, in these Particulars: An. 18. Car. I. 1642. May.

1. Whether the King hath ever given other Denial to any public Bill offered unto him by Parliament, than by suspending his Assent for a Time?

2. Whether a Petition, brought up by the Commons, and approved of by the Lords, hath ever been refused by the King?

3. Whether any Person hath ever been adjudg'd a Traitor, for executing the King's verbal Commands, against the Laws of the Land?

The same Day the Commons appointed a Committee, consisting of Mr. *Selden*, Mr. *Glynne*, Sir *Symonds D'Ewes*, Mr. *Whitlocke*, Mr. *Bridgeman*, and others, to consider of the Form of the King's Oath, as it is upon Record, and in Books of good Authority, and of the Statute of 25. *Edward* III. concerning the same; next, to consider, whether Kings, in refusing Bills, in former Times, gave any other Answer than *Le Roy s'avisera*; and to consider what Persons have been proceeded against for High Treason, notwithstanding they had the King's Command; and to search Precedents, what Parliaments have done, heretofore, in like Case of the King's Absence from Parliament; and the Parliament's putting Forces in Places of Strength, to preserve them for the King and Parliament. The Form of the King's Oath, &c. ordered to be considered.

May 17. The Lord Privy-Seal, still sitting as Speaker in the Absence of the Lord-Keeper, acquainted the House, That a Letter was come from *York*, directed to the Lord-Keeper, or to the Speaker of the House of Lords for the Time being, which was commanded to be read.

This Letter is omitted in the *Journals*, and it is only said, That divers Papers were read: And, indeed, there are many Omissions of this Kind in them, about this Time; which we supply from the *Collections*, or *Diaries*, of these Times. The Letter and Papers, mentioned above, came from

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the Committee at *York*; which were ſent, alike, to the Speakers of each Houſe. That to the Commons was as follows:

The *Yorkſhire* Committee's Account of the King's Propoſitions to the Gentry, &c. of that County.

SIR, York, May 13, 1642.

IN our laſt Letter we gave you an Account of our firſt and ſecond Waiting on the King. We wrote to you then, that his Majeſty commanded us to attend him Yeſterday, being Thurſday, *to hear what he ſaid to the Gentlemen; which, a little before the Meeting, he ſeconded by a particular Meſſage. Being come thither, his Majeſty cauſed the ſeveral Meſſages between him and the Parliament, mentioned in this incloſed Paper, to be read.*

This was done with much Humming and Applauſe of the King's Meſſages, by ſome Perſons who had placed themſelves near about where his Majeſty ſtood: But when any Thing from the Parliament came to be read, with ſo much Hiſſing and Reviling of the Parliament, that tho', in Reſpect and Duty to the King's Perſon we could not reſent it as otherwiſe we ſhould have done; yet we have ſince expoſtulated, and complained of it to his Majeſty. Some were ſo bold as to ſay openly, That the Parliament-Men ſhould ſet their Houſes in Order, for many of them ſhould ſhortly have their Heads off; *one of which (as ſince we are credibly informed) was one* Hurſt, *a Servant to Mr.* William Crofts.

In this, which was ſaid by the King, you will ſee what Reaſon we had to vindicate ourſelves; and therefore we immediately repaired to the Dean's Houſe, with all the other Gentlemen, and there we took Notice of the rough Uſage we had received: We told them, That it was neither Indiſcretion nor Diſobedience in us, (as his Majeſty was pleaſed to call it) to deliver the Parliament's Meſſage, or to ſtay here, tho' commanded to the contrary, ſince we conceived no Man needed to be ſatisfied in ſo clear a Caſe as this, That every Member of each Houſe ought to obey their Commands, when they were pleaſed to employ them: But ſince his Majeſty thought fit to bid them take heed of us, not knowing what Doctrine of Diſobedience we might

might preach to them, under Colour of obeying the Parliament, we appealed to every Man, Whether we had, in Word or Deed, in Public or in Private, done any Thing that became not honeſt Men, and Perſons employed from the Parliament: That we had communicated our Inſtructions to his Majeſty, being that whereby we would avow all our Actions, and that we were confident it would not be ſaid we had tranſgreſſed them[e]. *This was very well taken and juſtified by the Country.* An. 18. Car. I. 1642. May.

Yeſterday there came divers Thouſands of Freeholders to this City, though none but the Gentry were ſummoned; but receiving a Command from the King not to come to Court, they forbore, and ſtaid in the Caſtle-Yard; yet ſent this Petition incloſed to his Majeſty, and receiv'd the Anſwer annex'd thereunto.

There was likewiſe a Committee of twelve Gentlemen appointed, Yeſternight, to conſider of drawing up an Anſwer to the King's Propoſition concerning a Guard: But nothing could be then done, becauſe it was paſt Three o'Clock before the Gentlemen were admitted to the King.

This Morning the Freeholders aſſembled again in the Caſtle-Yard; there they made this Proteſtation incloſed, of their Right of Voting in what concerneth the Peace of the Country, as having their Intereſt therein.

When we all met this Morning again at the Dean's Houſe, we, who are your Committees, received this Meſſage by Sir Edward Stanhope, That he came from his Majeſty to command us, that we ſhould depart from this Meeting; and if we did ſtay, his Majeſty would judge us guilty of what he ſpake of Yeſterday, *which was*, Tampering. *Notwithſtanding which Command, we read the fourth Article of our Inſtructions to the whole Company, that being pertinent to the Buſineſs we were then upon; and deſir'd them to conſider, whether the Parliament had not expreſſed therein ſuch a Care of the King's Safety, that there would be little Need of Guards. We told them, That we had a good Right of being there as Free-*

[e] Theſe are before given at p. 489.

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Freeholders of the County, but that, in Obedience to the King, we would depart for this Time; yet whensoever there should be Occasion of our being there, in Pursuance of our Instructions from the Parliament, we should be ready. The whole Company received great Satisfaction, and desired a Copy of that Instruction, which we gave them.

We were the more willing, at that Time, to go from thence, because we should not only give Obedience to the King's Command, which otherwise he would have said we constantly disobeyed; but because the Committee of Twelve, appointed Yesternight, were then to withdraw; so that there was nothing for the present for us to do: We immediately went to the King, and besought him, That since we were continually so discountenanced by him, in the Face of our County, he would be pleased to let us know in particular wherein we had given the Occasion; for we otherwise conceived we were deprived of that Liberty, which was our Due, in respect of that Interest we had here. His Majesty was pleased to tell us, That if we would lay aside that Condition of Committees from the Parliament, he would not hinder us to be there as Gentlemen of the County. *We humbly replied,* That we could not lay that down, nor could we be absent from any Meeting, where our Presence was required for the Service, as Committees from the Parliament. *To which his Majesty said,* That indeed he thought we could not lay it down, neither was it reasonable that we should have Votes, and be in a double Capacity. *The Committee hath been together most Part of this Day; but not agreeing, five of them have drawn up this Answer indeed, which they have communicated to the Gentlemen and Freeholders; the greater Part of the Gentlemen, and all the Freeholders, have agreed to, and subscribed it. The other six have concluded upon this other Answer, consenting to a Guard of Horse; but to this we do not hear they have gotten many Names, nor can we get a Copy of those Names as yet, though these be very few; yet whether they can bring in any Horse*

or

or no, we cannot yet judge. The King hath received both these Replications, which, with his Answers to them, you shall see here inclosed: And first An. 18. Car. I. 1642. May.

His MAJESTY's SPEECH.

GENTLEMEN,

'I Have Cause of adding to, not altering, what I 'meant to say. When I gave out the Summons 'for this Day's Appearance, I little thought of 'these Messengers, or of such a Message as they 'brought; the which, because it confirms me in 'what I intend to speak, and that I desire you 'should be truly informed of all Passages between 'me and the Parliament, you shall hear read, first, 'my Answer to the Declaration of both Houses 'concerning *Hull*; the Answer of the Parliament 'to my two Messages concerning *Hull*, together 'with my Reply to the same; and my Message to 'both Houses, declaring the Reasons why I re-'fused to pass the Bill concerning the Militia.

All which being read, his Majesty proceeded:

'I will make no Paraphrases upon what ye have 'heard, it more befitting a Lawyer than a King, 'only this Observation, That since Treason is 'countenanced so near me, it is Time to look to 'my Safety: I avow that it was Part of my Won-'der, That Men (whom I thought, heretofore, 'discreet and moderate) should have undertaken 'this Employment; and that since they came, I 'having deliver'd them the Answer you have heard, 'and commanded them to return personally with 'it to the Parliament, they should have flatly dis-'obeyed me, upon Pretence of the Parliament's 'Command. 'My End in telling you this, is to 'warn you of them; for since these Men have 'brought me such a Message, and disobey'd so law-'ful a Command, I will not say what their Intent 'of staying here is; only I bid you take heed, not 'knowing what Doctrine of Disobedience they 'may preach to you, under Colour of obeying the 'Parliament.

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'Hitherto I have found and kept you quiet, the 'enjoying of which was a chief Cauſe of my 'coming hither. Tumults and Diſorders made me 'leave the South, and not to make this the Seat 'of a War, as Malice would (but I hope in vain) 'make you believe: Now, if Diſturbances do 'come, I know whom I have Reaſon to ſuſpect.

'To be ſhort; you ſee that my Magazine is go- 'ing to be taken away from me (being my own 'proper Goods) directly againſt my Will: The 'Ordinance for the Militia (againſt Law and my 'Conſent) is going to be put in Execution: And, 'laſtly, Sir *John Hotham*'s Treaſon is countenan- 'ced: All this conſidered, none can blame me to 'apprehend Dangers; therefore I have thought fit '(upon theſe real Grounds) to tell you, That I 'am reſolved to have a Guard (the Parliament ha- 'ving had one all this while upon imaginary Jea- 'louſies) only to ſecure my Perſon; in which I 'deſire your Concurrence and Aſſiſtance; and that 'I may be able to protect you, the Laws, and the 'true Proteſtant Profeſſion, from any Affront or 'Injury that may be offered; which I mean to 'maintain myſelf, without Charge to the Coun- 'try; intending no longer to keep them on foot, 'than I ſhall be ſecured of my juſt Apprehenſions, 'by having Satisfaction in the Particulars before- 'mentioned.'

The ANSWER *of ſeveral of the* Yorkſhire GENTRY, *to the* KING's PROPOSITION *for a* Guard.

To the KING's *Moſt Excellent* MAJESTY.

'WE Knights and Gentlemen, whoſe Names 'are ſubſcribed, do unanimouſly preſent 'this our Anſwer to your Majeſty's Propoſition con- 'cerning the raiſing of a Guard of Horſe, for the 'Security and Defence of your Sacred Perſon: That 'to this Propoſition, as we conceive ourſelves bound 'by our Allegiance, we do willingly concur. For 'that Purpoſe humbly deſiring, That the aforeſaid 'Guard may be raiſed by legal Authority; and like- 'wiſe

'wise that it may consist of Persons unquestionable 'in their Religion, and Gentlemen.' An. 18. Car. I. 1642. May.

The Substance of his Majesty's REPLY, *sent by Mr. Secretary* NICHOLAS:

'His Majesty gave them Thanks, for it appeared as a satisfactory Answer; and in it they 'had shewed great Circumspection and Wisdom, 'by chusing such whose Loyalty could not be questioned, by excluding Recusants and all suspected 'to be disaffected.'

The ANSWER *of those* GENTLEMEN *and* FREEHOLDERS, *who subscribed the same at the Dean's House, where the Sheriff was:*

May it please your Most Sacred Majesty,

'THE Propositions, delivered to us Yesterday 'from your Majesty, are of so high Concernment to the Weal and Peace of the whole Kingdom, and do so nearly touch upon the Affection 'and Fidelity of all your Subjects in general, as we, 'being but a Part of one County only, do not conceive it is safe for us to advise therein; but rather 'humbly to beseech your Majesty to impart the 'Grounds of your Majesty's Fears and Jealousies 'to your High Court of Parliament, of whose 'most loyal Care and Affection to your Majesty's 'Honour and Safety, and the Prosperity of your 'Subjects and Dominions, we are most confident; 'and whatsoever shall be advised by your Great 'Council, therein we shall most willingly embrace, 'and give our Concurrence and Assistance to it as 'shall become us, in whose Fidelity and Affection 'your Majesty hath often declared especial Trust; 'and albeit we do not presume to advise your Majesty in that Particular, being of transcendent Consequence; nevertheless, in the Behalf of those 'Members of Parliament lately employed to attend 'your Majesty from both Houses, being all of them 'Gentlemen of Quality and Estate in this County, 'and trusted to serve in that most Honourable Assembly

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'ſembly, we humbly crave your Majeſty's Leave to 'expreſs our Confidence in their unſtained Loyalty 'and Affection to your Majeſty to be ſuch, as your 'Majeſty may ſecurely admit their Attendance to 'negotiate their Employments, till they be recalled 'by the Parliament: And for their Fidelity, we all 'engage ourſelves to your Majeſty; and we are 'moſt aſſured that your Royal Perſon ſhall be ſe-'cure in the general Fidelity of your Subjects of this 'County, without any extraordinary Guard.'

The NAMES of thoſe GENTLEMEN as taken down by the SHERIFF.

Sir *Thomas Fairfax*,
Sir *William Conſtable*,
Sir *Matthew Boynton*,
Sir *Thomas Gower*,
Sir *William St. Quintin*,
Sir *Edward Rhodes*,
Sir *William Crawley*,
Sir *Thomas Norcliffe*,
Sir *Arthur Ingram*,
Sir *Richard Darley*,
Sir *Jervas Cutler*,
Sir *William Fairfax*,
Sir *Hugh Bethell*,
Sir *John Saville*,
Sir *William Lyſter*,
Sir *Thomas Remington*,
Thomas Jopſon,
Henry St. Quintin,
Arthur Noell,
Tobias Jenkins,
Henry Jenkins,
John Farrer,
John Weſt,
Henry Atkinſon,
Henry Wythes,
William Bethell,
George Mountain,
Thomas Stockdale,
William Gower,
Richard Trewman,
Sackvill Pope,
Thomas Heblethwaite,
George Eure,
George Marwood,
John Savile, of *Medley*,
John Saltmarſhe,
William Copley,
Lionel Copley,
Edward Gower,
Cuthbert Creike,
William Cobb,
Doyley Gower,
Thomas Rookebie,
John Calverley,
Francis Grimſton,
John Anlabie,
Arthur Beckwith,
Chriſtopher Waters,
Matthew Beckwith,
Chriſtopher Copley,
Thomas Croft,
William Parker,
George Trotter,
Henry Weſtby,
William Jennings,
Thomas Bradford,
Richard Wildbore,
Job Hackwood,

Mat-

Matthew Allured,	*Stephen St. Quintin,*	An. 18. Car. I. 1642. May.
Robert Sheppard,	*Willoughby Godfrey,*	
John Acklam,	*Lancelot Allured.*	
John Stillington,	*John Beverley,*	
Jervas Hammond,	*Griffith Boynton,*	
John Cholmley,	*George Weſtby,*	
Thomas Newarke,	*Benjamin Browne,*	
Henry Savile,	*Charles Fairfax,*	
John Lambert,	*Henry Arthington,*	
Francis Grimſton,	*Henry Tempeſt.*	

Theſe were the Names ſubſcribed in one Sheet, there being many other Sheets filed together, all of them ſubſcribed, and amongſt them many Gentlemen of Note; but we took Notes only of the firſt Sheet, having no more Time.

His Majeſty's ANSWER *returned by the Sheriff.*

'His Majeſty expects the like Affection from 'you that he doth from the other Gentlemen, and 'he hath the ſame Confidence in you that he hath 'in the others.'

To the KING'S *Moſt Excellent Majeſty.*

The HUMBLE PETITION *of many Thouſands of your Majeſty's peaceably-affected* SUBJECTS *of the County of* York,

Sheweth,

'THAT many of your Petitioners being, in 'their late Deſires of petitioning your Ma-'jeſty, denied Acceſs, kept back with Violence, and 'receiving great Affronts from ſome that have De-'pendency on your Majeſty, and others there aſ-'ſembled; yet no Provocation could remove them 'from their Patience and Duty.

'Theſe Proceedings are taken more to Heart, 'your Petitioners conceiving it undeniable that they 'have an Intereſt in the Commonwealth, and are 'as dutiful and loyal Subjects to your Majeſty as any 'whom-

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'whomsoever; though divers of them have been 'since uncivilly pressed by some, in your Majesty's 'Name, to subscribe a Paper, styled, *The Answer to 'your Majesty's Propositions*, and threatened thereto '(upon which Blows followed); and that, when 'your Majesty's Army should be on foot, those 'should be first pillaged that refused such Subscrip-'tion; which we humbly conceive is positively 'contrary to your Majesty's own Expressions, and 'is to the high Dishonour of your Majesty, and 'the great Affrightment and Disturbance of your 'Majesty's liege People.

'Therefore your Petitioners, having too just 'Cause to fear your Majesty's Royal Heart is still 'in Danger to be possessed with some Distaste of 'your Petitioners, humbly supplicate your Majesty 'to conceive better Things of them, and to cast 'your Eye upon the present State of this your King-'dom; that, as your Majesty hath often declared 'your Affection to this County, so your Love 'might now be expressed in preserving the Peace 'thereof; and that your Majesty, would admit of 'a right Information of the clear Intentions of your 'Petitioners, who are confident that none so abso-'lute and hearty Observance to your Majesty's just 'Commands can be demonstrated, as what your 'Majesty in Parliament shall declare; which, if it 'be divided, (as God forbid) our Hearts even trem-'ble to consider the Diminution of the Honour and 'Safety of your Majesty's Posterity, and the Dan-'gers the Kingdom will unavoidably be put upon; 'since it is clear to every Understanding, that it is 'not a divided Part of one, or several Counties, 'that can afford that Honour and Safety to your 'Majesty as the whole Kingdom, which you may 'command; no Ground or Fear of Danger remain-'ing if a good Confidence were begot betwixt your 'Majesty and the Parliament, whose grave and 'loyal Counsels are, as we humbly conceive, the 'visible Way, under God, to put a speedy End to 'the Troubles of *Ireland*, and establish your Throne 'in Righteousness.

'And

'And, *laſtly*, your Petitioners do humbly ſuppli- An. 18. Car. I.
'cate, that we may repreſent our Unfitneſs to be- 1642.
'come Judges betwixt your Majeſty and the Parlia- May.
'ment in any Thing, or diſpute the Authority of
'either, which they humbly conceive do fortify each
'other; it being moſt unfit for them to act any
'Thing therein but by their Prayers for a right Un-
'derſtanding betwixt your Majeſty and them, which
'we ſhall heartily do; as alſo for your Majeſty's
'long and proſperous Reign; and, as we are bound
'by our late Proteſtation, ſhall be ready to main-
'tain your Majeſty's juſt Rights, the Privileges
'and Power of Parliament, and the lawful Liber-
'ties of the Subject.'

The KING's ANSWER *to the foregoing* PETITION *of the Country, by Mr. Secretary* NICHOLAS.

'HIS Majeſty having, with ſome Care, con-
'ſidered this Petition, being the firſt of this
'Nature that hath been preſented to him, wherein
'any appearing well affected to his Service (tho'
'he hath heard of many to the contrary) have miſ-
'demean'd themſelves, hath commanded me to
'give you this Anſwer:

'That he doth, totally, diſavow the Proceedings
'complain'd of in the Petition; and expects that
'you, and all others his loyal Subjects, ſhall reſt
'ſatisfied with his ſeveral gracious Declarations,
'and conſtant peaceable Practice towards his
'People; and for further Aſſurance, upon juſt Proof
'made againſt any Man who hath committed any
'Violence in Words or Actions, without juſt Pro-
'vocation, full Reparation ſhall be given to the
'Parties injured.

'As for the other Part of this Petition, his Ma-
'jeſty ſaith, That it is ſo confuſed he does not well
'know what poſitive Anſwer to give to it; and the
'rather becauſe it is grounded upon Miſinformation
'both of his Majeſty's Proceedings and Intentions;
'as, in particular, his Majeſty ſaith, He never in-
'tended

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'tended to have you to be Judges betwixt him and 'his Parliament.

'For the reſt of this Petition he refers to his Meſ-'ſages, Declarations, and Anſwers; whereby it will 'clearly appear, That his Deſire and Intention is, 'only, the Preſerving of the true Proteſtant Profeſ-'ſion, the Laws of the Land, the Liberty of his 'People, the Peace of the Kingdom in general, 'and the Peace of this County in particular.'

The PROTESTATION *of the* FREEHOLDERS *of* Yorkſhire.

'WHereas his Majeſty was pleaſed to give 'Summons to the Gentry of this County 'to attend him at his Court at *York*, the 12th of '*May* Inſtant, to adviſe with him in ſome Parti-'culars, concerning the Honour and Safety of his 'Majeſty's Perſon, and the Well-being and Peace 'of this our County; and in the ſaid Summons 'was pleaſed to omit the Freeholders of this 'County, out of a tender Reſpect of putting them 'to any extraordinary Charge; yet we, conſcious 'of our ſincere Loyalty to his Majeſty our gra-'cious Sovereign, and conceiving ourſelves, ac-'cording to the Proportions of our Eſtates, equally 'intereſted in the common Good of the County, 'did take the Boldneſs to come in Perſon to *York*, 'and were ready to attend his Majeſty's Pleaſure 'there:

'And whereas his Majeſty being pleaſed then to 'propound ſeveral Things to the Purpoſe aforeſaid, 'at the Meeting of the County, to conſider a fit 'Anſwer to return to his Majeſty thereupon, the 'Doors of the Meeting-houſe were ſhut againſt us, 'and we utterly excluded; and, in our Abſence, 'a Referree of Knights and Gentlemen choſen, 'without our Knowledge or Conſent, to draw up 'the ſaid Anſwer: We the Freeholders who peti-'tion'd his Majeſty the Day aboveſaid, conceiving 'ourſelves abundantly injured in the Election of the 'ſaid Referree, not knowing any Warrant, by 'Writ, or otherwiſe, for the ſame; and that we 'ought

'ought not, however, to be concluded by any Re- An. 18. Car. I.
'solution of theirs without our Assent in their E- 1642.
'lection, do, absolutely, protest and declare against May.
'the said Election; and, as far as concerns us, dis-
'avow whatsoever shall be the Result of their Con-
'sultation thereupon; and do desire a new and fair
'Election of a Referree may be made, we admitted
'to our free Votes in the same, and some one or
'more, to be nominated by us, allowed to deliver
'our Sense for us at another Meeting: And that
'we shall not make good, in the least respect, any
'Thing whatsoever which shall otherwise be con-
'cluded upon.'

Sir, His Majesty had declared, himself, Yesterday, that he would raise that Regiment which was Sir Robert Strickland's, *for his Foot-Guard; but he hath now laid aside that Resolution. The Freeholders of the County are, now newly, summoned to attend his Majesty about a Week hence, the three Ridings upon three several Days; but for what Service we know not.*

You have here a large Narrative of the Passages at this Meeting. What Dangers this poor Country lies under, we humbly refer to you to judge, not taking upon us to deliver any Opinion.

The Business lasted so long, that it hindered us from giving a more speedy Account. Sir, this is what, at this Time, is sent from

Your assured Friends and Servants,

FER. FAIRFAX.
HU. CHOLMLEY.
PHIL. STAPYLTON.
HEN. CHOLMLEY.

May 17. A Conference was held this Day, in relation to the foregoing Affairs; the Report of which was, That the Commons desired to keep a good Correspondency between both Houses, to prevent the Mischiefs that were else likely to ensue. They likewise observed with what Care, Wisdom, and Diligence, the Committee do proceed A Conference thereupon.

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ceed; and desired that Notice might be taken of it, and Thanks return'd to them and the High Sheriff, also to those Gentry and Freeholders who, in all these Proceedings, have expressed their Affection and Loyalty to the King and Parliament, for their good Service herein. Ordered, That the Letter and Papers from *York* should be forthwith printed and published in one Book. [u]

It was this Day ordered, by the Lords and Commons in Parliament, That a former Order, of *May* the 5th, requiring the Sheriffs of *London* and *Middlesex* to send down a complete Company of Trained-Bands, under the Command of Serjeant-Major *Skippon*, to attend both Houses, shall still continue.

The same Day the Lords were informed of a Rumour, That a Command was come for removing the next Term to *York*, which would be very prejudicial to the Kingdom; therefore they sent the Earl of *Essex* and the Lord *Kimbolton* to the Lord-Keeper, to know if he had heard any Thing of it.

After some other Business done, the two Lords returned from the Lord-Keeper, and said, That his Lordship confessed he had receiv'd a Letter from the King, the last Night, importing the Adjournment of the next Term to *York*, and to order a Proclamation and Writs out for that Purpose: That he was to advise with the Judges concerning the Manner of them; and, accordingly, he had acquainted them with it, but Nobody else; though nothing, as yet, was done in it.

The Lords, taking this Matter into Consideration, were of Opinion, That it was illegal to remove the Term, in regard of the late Act of Parliament for the Continuance of it: That it was contrary to the Practice, and inconsistent with the Sitting, of Parliament, and to the express Writs which call Assistants to that House. Then the Question was put, Whether the King's removing the

[u] This was done accordingly: And from the Original Edition thereof (printed by *A. Norton*, for *John Frank*, in *Fleet-street*) the foregoing Letter and Papers are copied. Some of them are in *Husbands* and *Rushworth*, but incorrect.

the Term to *York*, from *Weſtminſter*, the Parliament ſitting, was not illegal? It paſſed in the Affirmative. They further ordered, That the Lord-Keeper ſhould not iſſue out any Writs, or ſeal any Proclamation to that Purpoſe. This Vote, *&c.* to be communicated to the Commons, at a Conference, and then to be forthwith printed and publiſhed. An. 18. Car. I. 1642. May. The intended Removal of the Term to *York* voted illegal.

At this Conference the Commons acquainted the Lords with another Letter from the King, directed to Captain *Philip Skippon*, Captain of the Military Garden, in St. *Martin's in the Fields*, *London*, commanding the ſaid Captain's immediate perſonal Attendance on his Majeſty at *York*, on Pain of his higheſt Diſpleaſure. On which the Commons had paſſed the following Votes:

Reſolved, upon the Queſtion, 'That for his Majeſty, at his Pleaſure, to command any free-born Subject to attend his Perſon, not bound thereunto by ſpecial Service, is againſt the Law of the Land.' Reſolutions againſt the King's demanding the Attendance of any Subject.

Serjeant-Major-General *Skippon* was called in, and demanded, Whether he were the King's ſworn Servant, or bound by any ſpecial Service to his Majeſty? Who anſwered, That he was not his ſworn Servant, nor bound by any ſpecial Service to his Majeſty, that he knew of; nor ever had the Honour ſo much as to be admitted into his Preſence.

Hereupon it was farther reſolved,

1. 'That this Command of his Majeſty, to call Captain *Philip Skippon*, Serjeant-Major-General of the Forces of *London*, to attend his Majeſty's Perſon at *York*, is againſt the Law of the Land and the Liberty of the Subject.

2. 'That his Majeſty's commanding Captain *Philip Skippon*, *&c.* to attend his Majeſty's Perſon, being employed by both Houſes to attend their Service, without their Conſent, is againſt the Privilege of Parliament.

3. 'That Captain *Philip Skippon*, *&c.* ſhall continue to attend the Service of both Houſes, according to their former Commands.'

An Order of the ſaid Houſe was alſo read, importing, That it be referred to the Committee of Lords

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Lords and Commons, appointed to consider of his Majesty's last Messages, to make a Remonstrance to him, and shew how much against Law, and the Liberty of the Subject, Commands of this Nature are; to represent to him the Interruption that they cause to the Proceedings of Parliament, and the Affairs of *Ireland*, with the Inconveniences that are like to ensue upon them; and to define they may be forborne hereafter.

A Letter, directed to *Edward* Lord *Howard* and the Committee at *York*, was read, with a Declaration of Parliament; the Letter was to no other Purpose, than thanking them for their good Services, *&c.* and to order them to deliver the inclosed to the High Sheriff, and press the Execution of it there, as was intended to be done in the other Counties of *England*. The Declaration was in these Words:

Declaration of both Houses thereupon, and against taking Arms by his Majesty's Command.

'THE Lords and Commons in Parliament do 'declare, That it is against the Laws and 'Liberties of the Kingdom, that any of the Sub-'jects thereof should be commanded by the King 'to attend him at his Pleasure, but such as are 'bound thereunto by special Service: And that 'whosoever, upon Pretence of his Majesty's Com-'mand, shall take Arms and gather together with 'others, in a warlike Manner, to the Terror of the 'King's People, shall be esteemed Disturbers of the 'Public Peace; and to do that which may introduce 'a Precedent of very dangerous Consequence for 'the future, and may produce most mischievous 'Effects for the present; considering the great 'Distempers of the Kingdom, and what pernicious 'Counsellors and Incendiaries are now about the 'King; and how desperate and ill-affected divers 'Persons, attending upon his Majesty, have shew-'ed themselves to the Parliament and to his other 'good Subjects, threatening and reproaching them 'publickly, even in his Majesty's Presence.

'For preventing and avoiding such great Mis-'chiefs as may thereupon ensue,

'It

'It is ordered and ordained by both Houſes of Parliament, That if the Train'd-Bands, or any other his Majeſty's Subjects, ſhall, upon Pretence of any ſuch Command, be drawn together and put into a Poſture of War, the Sheriff of that County where there ſhall be ſuch Raiſing or Drawing together of armed Men, do forthwith raiſe the Power of the County to ſuppreſs the ſame, and to keep his Majeſty's Peace according to Law. And that the Lord-Lieutenants, Deputy-Lieutenants, Juſtices of the Peace, and all other his Majeſty's Subjects, be aiding and aſſiſting to the ſeveral and reſpective Sheriffs in Performance hereof, as they will anſwer the contrary at their Peril.'

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HEN. ELSING, *Cler. Parl. D. Com.*

May 18. The Lord-Admiral acquainted the Lords, That he had received a Letter from *Hull*, from ſome Captains, ſent with their Ships there, by Order of Parliament, to bring away the Magazine, alledging, That they had received a Command from the King, dated at *York*, the tenth of *May*, upon their Allegiance, not to put on board any Part of that Magazine, *&c.* they therefore deſired their Lordſhips to take ſome Courſe for their Indemnity in obeying the Commands of this Houſe.

Farther Orders for the Security of *Hull*.

Then the Lord-Admiral's Letter and the King's Warrant for Stoppage were read; and a Conference being held upon it, ſome more Hints were communicated by the Commons, concerning the Safety of *Hull*; as, That Sir *John Hotham* complained he wanted a Committee, of Reputation, to aſſiſt him: That he found the Townſmen falſe: That he wanted Mills to grind Corn: And that the Committee ſent thither, ſome Time ſince, were coming away. To remedy all which, the Commons had prepared the Form of a Letter to be ſent down to *Hull*, with an Order; alſo they had appointed another Committee to go thither, and deſired to know if their Lordſhips would appoint any of their Houſe for that Purpoſe.

The Lords agreed to this in every Particular, and

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the Lord *Willoughby* of *Parham* was named as a Commiſſioner from that Houſe. The Letter to Sir *John Hotham*, with the Order of Parliament, was then read as follows: [k]

SIR,

The Speaker's Letter to Sir *John Hotham* thereupon.

'YOUR Letter of the 16th of *May* I receiv'd this Morning, and forthwith communicated it to the Houſe; who do very much approve your diligent and prudent Carriage in Diſcharge of the great Truſt repoſed in you, ſo much concerning the Peace and Safety of the whole Kingdom; and thank you for the ſame. If the Houſe had ſooner known of the coming away of the Committee, and of the great Neceſſity that ſome ſuch Aſſiſtance ſhould be there, they would ſooner have provided to have had their Abſence forthwith ſupplied by others; for which Purpoſe they have now reſolved of ſeven more of this Houſe to be added to the former Committee, as you may perceive by the Order incloſed, whereof they intend that four ſhall always be reſident with you there.

'According to your Deſire, you receive an Order of both Houſes for the Encouragement and Indemnity of the Captains and Maſters of the Ships, of whoſe Obedience thereunto we are aſſured, by their Profeſſion in their own Letters to the Lord-Admiral, That what both Houſes of Parliament ſhall order, they ſhall, with their utmoſt Endeavours perform, for his Majeſty's Safety and the Good of this State; of which, being an Expreſſion of ſo good Affection to the Service of the Parliament, this Houſe takes eſpecial Notice; and deſires you to give them Thanks in their Name, as alſo to the Mariners, of whoſe Forwardneſs in this Service they are alſo inform'd.

'The Houſe doth alſo require, That the Magazine, that is already ſhipped, may be ſent with all convenient Speed, with perfect Inventories of what

[k] A Copy of this Letter is entered in the *Lords Journals*, but not in thoſe of the *Commons*.

'what is in every Ship; and what you have kept behind, to remain there for the Defence of the Place, if there be Occaſion; two of the Ships of War are deſigned for the Convoy of the Magazine; the other two ſhall be appointed to attend in that Harbour, for the better Security of that Town, till there ſhall be further Order. An. 18. Car. I. 1642. May.

'We underſtand the Proceedings in *Yorkſhire*; and, tho' there be ſome Diſaffected, yet there appears ſo great a Part of the County to be well diſpoſed to the Peace of the Kingdom, that it is hoped they will ſo over-awe the other Party, as to keep them quiet.

'I ſend you incloſed a Copy of the Order of both Houſes, which was Yeſterday ſent to the Committees at *York*, to be delivered to the Sheriff; who hath carried himſelf ſo worthily and faithfully, that there is no Doubt whatſoever of him. Mr. *Hildyard*'s Report is, That he will do his Duty in obeying the Authority and Directions of Parliament, for preſerving this Kingdom from the Miſeries and Calamities of a Civil War; which is earneſtly endeavoured to be kindled by ſome evil Counſellors about the King, who can find no Way to eſcape the Puniſhment of their own Wickedneſs, but by the Confuſion of the whole State.

'It is much wondered that there ſhould be any in that Town ſo blind, as not to diſcern the Miſchief intended to the Commonwealth, if *Hull* had not, by the Wiſdom of the Parliament, been ſecured from the malignant Party; or ſo diſaffected as not to concur in the Furtherance of that which is neceſſary for the Public Good, wherein the Safety of that Town and their own Intereſts are involved: But as their Perverſeneſs will make you more watchful, ſo your Watchfulneſs will make them leſs hurtful; and it is hop'd the Proceedings in *Yorkſhire* will, every Day, more open their Eyes to ſee the Dangers and Miſeries like to overwhelm thoſe Parts, if honeſt, well-affect-

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ed People do not join with the Parliament to prevent the same.

'The House means to send away two of the 'Committee forthwith; and when they have been 'more fully inform'd, by Sir *Christopher Wray*, of 'those Matters which you write they shall understand by him, it is resolved to send to you again. 'And I am commanded to tell you, that you may 'rest assured, as you have the Authority of Parliament, and the Strength of the greatest and best 'Part of the Kingdom; so you shall have the 'Prayers of all that truly affect the Prosperity and 'Peace of this Church and State concurring with 'you, to which I add the good Respect and best 'Wishes of

Your most ready Friend,

and humble Servant,

W. LENTHALL.

The ORDER inclosed was as follows:

The Parliament's Indemnification of the Officers employed in removing the Magazine of *Hull*.

Whereas the Lords and Commons in Parliament thought fit and necessary, for the Safety of the King and Kingdom, that the Magazine of Arms and Ammunition, at Kingston *upon* Hull, *should be removed from thence to the Tower of* London, *and did order the same accordingly; and have appointed several Ships for the transporting and wafting thereof, which are ready at* Hull *for that Service: It is ordered, by both Houses of Parliament, That the said Magazine and Arms shall be forthwith removed, and brought away from* Hull *to the Tower of* London; *and the Captains, Lieutenants, Masters, and other Officers and Companies of the said Ships are hereby required and enjoined forthwith to perform the same, notwithstanding any Command to them directed to the contrary. And for the Indemnity of Capt.* William Driver, *Capt.* George Swanly, *Capt.* Laurence Moyers, *Capt.* John Pigot, *and such other Captains, Lieutenants, Masters, Officers, Mariners, and all other Persons, which have done, or shall do, any Thing*

Thing according to the said Ordinance of both Houses of Parliament, or in Execution thereof, touching the removing, shipping or transporting the said Magazine, or any Part thereof, from Hull *to the Tower of* London *as aforesaid: It is declared and ordered by both Houses of Parliament, That they, and every of them, shall have the Assistance of both the said Houses against any Inconvenience which may happen to them, or any of them, by or for obeying the said Commands in this so necessary and important Service.*

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May 19. The Lords having agreed to the Commons Declaration of the 16th of this Month, Orders were given by both Houses for the printing and publishing thereof.

The same Day the Earl of *Holland* acquainted the Lords, that he had received a Letter from the Lord *Savile*, at *York*, which was read as followeth:

My Lord, *York*, *May* 14, 1642.

Lord *Savile's* Letter upon refusing to attend the Parliament.

'YEsterday there came hither a mean base Fellow, with an Order, Process, or Warrant, for I know not what to call it, to attach divers of the Peers and some others, and amongst the rest myself, for coming away without Leave, as I imagine, for I know no other Guilt that I can pretend to; tho' there was no Cause, so much as in general, express'd in the Warrant, according as, by the Law of the Land and Petition of Right, is required. When he delivered me his Warrant I was going with your Brother *Newport* to *Galtres Park*, to take the Air; and, at my Return, found the Messenger committed for some Offence, which, it seems they did lay to his Charge; and the King, calling all the Company about him, charged me, upon my Allegiance, not to depart the Town without his Consent. I saw great Joy in many to see me, herein, so used in the Face of my Country; to be arrested by such a Fellow, for a Crime so small, as for the Safety of my Life, after so long an Attendance, to go to my own House; and at a Time when all cursed me for the

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'the good Offices I did contrary to their Designs; 'as I shall report to your Commissioners here, who 'know much of my Ways. So, my Lord, I am, 'as you imagine, in a great Distraction; but of 'this I am certain that no private Spleen shall de- 'bar me from doing my poor Endeavours for the 'Public, so far as it is now fit for me to appear. 'I pray God that Things be not so carried as sud- 'denly to endanger the Peace of us all.

My Lord, I am

Your Lordship's faithful Servant,

SAVILE.

Next was read a Letter from the Lord *Howard*, one of the Committee at *York*, to the Lord-Keeper, containing a further Account of the King's Proceedings in that City, which was in these Words:

My Lords,

Another Letter from the Committee at *York*, relating to the King's raising a Guard.

'YEsternight, somewhat late, there came to 'our Hand this Printed Paper inclosed: [1]

By the KING.

C. R.

WHereas, upon Summons from us, divers Gentlemen of this our County of York *did attend us on* Thursday *the twelfth Day of this Instant* May, *when we declared our Resolution, for the Reason then delivered by us, to have a Guard to secure and defend our Person; and desired therein the Concurrence and Assistance of the Gentry of this County: And whereas divers Gentlemen of this County, for many Reasons and Occasions, could not then appear to receive our Pleasure on that Behalf, whereunto divers have subscribed: We have therefore thought good, hereby, to give Notice, as well to those Gentle-*

[1] Imprinted at *York*, by *Robert Barker*, Printer to the King's most Excellent Majesty, and the Assigns of *John Bill*, 1642; and reprinted at *London*, for *Andrew Coe*.

Gentlemen who were not then present, as to those who did then attend us, that our Command is, That as well those Gentlemen who are charged with Horse, as others, appear at York *upon* Friday *the twelfth Day of this Month, in such Manner and Equipage as will be convenient for the Guard of our Person: And we require and command, That, in the Interim, no other Warrant, Order, or Command whatsoever, shall distract or hinder this our Service: And we further will and command, That this our Order be forthwith published by the Sheriff of this our County, for which this shall be his sufficient Warrant.* An. 18. Car. I. 1642. May.

Given at our Court at *York*, the fourteenth Day of *May*, in the 18th Year of our Reign, 1642.

My Lord, 'We conceiving the above Paper to 'be illegal, waited on the King in the Morning, 'telling him, *We thought it our Duty to represent 'to his Majesty, of what dangerous Consequence it 'was to command the whole County to bring in their 'Horse, which would be Occasion of great Jealousies, 'and might breed great Distractions.* His Majesty's 'Answer was, *That howsoever it was expressed, yet 'he never intended to have any come in but voluntarily.* We replied, *That this bore another Sense, 'and that it would be our Duty to give Notice of it 'to the Parliament.*

'When we were gone the Marquis of *Hertford*, 'the Lord *Savile*, and Lord Chief Justice *Bankes*, 'repaired to the King, and soon after brought us 'the following Paper in Answer to what we had 'said to his Majesty; with a Command to write 'up the Substance of it to your Lordship: But 'thinking it not fit to take upon us to write his Majesty's Sense, lest we should be mistaken, I have 'here sent you the very Paper itself, as we had it 'from the Lords before-mentioned.

My Lord,

WE waited this Day upon his Majesty, concerning a printed Summons published the 14th of this Instant May, *humbly to know his Majesty's Mean-*

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Meaning therein; at which Time he was graciously pleased to signify his Intention unto us, That his Meaning was thereby, to accept of the voluntary Offers of those Gentlemen, who had, or should tender their Services unto him for the Guard of his Person: And, out of that Number that should appear before him, at the Time prefixed, he would chuse such a competent Number as might serve for the Safeguard of his Royal Person; likewise telling us, That he had declared to those Gentlemen, who did attend him at the last Meeting, that he no ways intended hereby to increase the Number of the Train'd Bands.

'My Lord, Their Lords do, every one of them, 'protest, That they never knew any Thing of this 'printed Paper till we shewed it to them.

'I acquainted your Lordship, in my last Letter, 'That his Majesty had laid aside the Resolution 'of raising that Regiment which was Sir *Robert* '*Strickland*'s; but, this Afternoon, we understand 'it is to meet To-morrow by Warrants from his 'Majesty; a Copy of one of them I send your 'Lordship here inclosed; also a Letter from his 'Majesty to the Gentry of *Yorkshire*.

The WARRANT.

To the CONSTABLES of *Newton* and *Benningborough*.

May 15, 1642.

BY virtue of a Warrant from his Majesty, to me directed, his Will and Command is to give Order to all the several Petty Constables, within this Division or Hundred, to cause all the Train'd Bands and Soldiers of Sir Robert Strickland's *Regiment, with their Officers and Arms, to meet at* Sutton in the Forest, *on* Tuesday *next, the* 17*th of this Instant* May, *by Eight of the Clock in the Morning; where they shall receive further Commands and Directions by the Colonel or Serjeant-Major of the said Regiment. Fail not at your Peril.*

THOMAS GROSVENOR.

The KING's LETTER.

To our Trusty and Well-beloved the Gentry of *Yorkshire*, and others of this our County of *York*, whom it doth or may concern. An. 18. Car. I. 1642. May.

WE have, with great Contentment, considered your dutiful and affectionate Answer to our Proposition concerning the unsufferable Affront which we received at Hull.

We have not been deceived in that Confidence we had in your Affections, wherefore we desire you to assure the rest of your Countrymen, who, through Negligence, were omitted to be summoned, That we shall never abuse your Love, by any Power wherewith God shall enable us, to the least Violation of the least of your Liberties, or the Diminution of those Immunities which we have granted you this Parliament; (though they be beyond the Acts of most, if not of all, our Predecessors) being resolved, with a constant and firm Resolution, to have the Law of this Land duly observed; and shall endeavour only so to preserve our just Royal Rights, as may enable us to protect our Kingdom and People, according to the antient Honours of the Kings of England, *and according to the Trust which, by the Law of God and this Land, is put into the Crown; being sufficiently warned, by the late Affront at* Hull, *not to transfer the same out of our Power; concerning which Affront we will take some Time to advise which Way we may usefully employ your Affections: In the mean Time we shall take it well from all such as shall personally attend us, so followed and provided as they shall think fit, for the better Safety of our Person; because we know not what sudden Violence or Affront may be offered unto us, having lately received such an actual Testimony of rebellious Intentions from Sir* John Hotham *at* Hull.

Being thus secured by your Affections and Assistance, we promise you our Protection against any contrary Power whatsoever; and that you shall not be

An. 18. Car. I. 1642. May. *molested for your humble and modest Petition, as of late you have been threatened.*

Given at our Court at *York*, *May* 16, 1642.

'My Lord, I know not what the Success of this 'will be, or what the Sheriff will do upon it, he 'is newly gone out of Town.

'My Lord, this is, at this Time, what I am to 'acquaint you with, who am,

My Lord,

York, May 16, 1642.

Your Lordship's humble Servant,

EDWARD HOWARD.

In the Afternoon of this Day, *May* 19, the Lords took into Consideration the Lord *Savile*'s Letter; and, after Debate, came to the following Resolutions:

Lord *Savile* voted guilty of a Contempt, &c.

1. 'That the Lord *Savile*'s going from Parliament, and refusing to come when this House sent for him, is a great Contempt, and a high Breach of the Privileges of Parliament.

2. 'That when the High Court of Parliament sends for a Delinquent to appear before them, the King's laying his Commands upon him not to appear, tends to the Overthrow of the Power of Parliament and Justice of the Kingdom.

3. 'That the Lord *Savile*, for his high Contempt in refusing to come when the House sent for him, shall not sit nor vote in this House during this Session of Parliament.

Further Resolutions as to Breach of Privilege.

'Ordered, That a Writ of *Habeas Corpus* shall be sent down to the Sheriff, to bring up to this House the Messenger imprisoned at *York*. Also, to have a Conference with the Commons on this Affair, and this high Breach of the Privilege of Parliament; and to consider of a Course how to bring Delinquents to deserved Punishment, in such a Man-

Manner as may beſt agree with public Juſtice, and beſt preſerve the Peace of the Kingdom.——But

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How far theſe and ſuch-like Reſolutions contributed to the deſirable Ends propoſed, will fully appear hereafter.

The END of the TENTH VOLUME.